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HANSARD'S

PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

35° & 36° VICTORIÆ, 1872.

VOL. CCXII.

COMPRISING THE PERIOD FROM

THE TWENTY-FIRST DAY OF JUNE 1872,

TO

THE TWENTY-SEVENTH DAY OF JULY 1872.

Fourth Volume of the Session.

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(4.) £10,250, to complete the sum for Furniture, Public Departments.—After short debate, Vote *agreed to* 435

(5.) Motion made, and Question proposed, "That a sum, not exceeding £22,741, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Buildings of the Houses of Parliament" 436

After short debate, Motion made, and Question proposed, "That the Item of £500, for Painting one Panel in Fresco in the Central Hall, be omitted from the proposed Vote,"—(*Mr. Osborne.*)—After further short debate, Question put, and *agreed to.*

Original Question, as amended, put, and *agreed to.*

(6.) £75,250, to complete the sum for the New Offices in Downing Street.—After debate, Vote *agreed to* 448

(7.) £9,133, to complete the sum for the Sheriff Court Houses, Scotland.

(8.) £37,250, to complete the sum for the Enlargement of the National Gallery.—After short debate, Vote *agreed to* 457

(9.) £14,750, to complete the sum for the Glasgow University Buildings.—After short debate, Vote *agreed to* 458

(10.) £8,200, to complete the sum for the Industrial Museum, Edinburgh.—After short debate, Vote *agreed to* 459

(11.) £35,000, to complete the sum for Burlington House.—After short debate, Vote *agreed to* 459

(12.) £128,889, to complete the sum for the Post Office and Inland Revenue, Buildings.—After short debate, Vote *agreed to* 459

(13.) £3,729, to complete the sum for the British Museum Buildings.

(14.) £31,805, to complete the sum for New Buildings for County Courts.

(15.) £25,896, to complete the sum for the Science and Art Department.—After short debate, Vote *agreed to* 461

(16.) £95,710, to complete the sum for Surveys of the United Kingdom, &c.—After short debate, Vote *agreed to* 462

(17.) Motion made, and Question proposed, "That a sum, not exceeding £26,130, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for constructing certain Harbours, &c. under the Board of Trade" 468

Motion made, and Question proposed, "That a sum, not exceeding £25,430, &c.,"—(*Mr. Davies.*)—After short debate, Motion, by leave, *withdrawn*:—Original Question put, and *agreed to.*

(18.) £250, to complete the sum for Portland Harbour.—After short debate, Vote *agreed to* 471

(19.) £6,250, to complete the sum for the Fire Brigade (Metropolis).

(20.) £26,433, to complete the sum for Rates for Government Property.

(21.) £2,250, to complete the sum for the Wellington Monument.—After short debate, Vote *agreed to* 471

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again upon *Wednesday*.

Parliamentary and Municipal Elections Bill—
Lords Amendments *further considered* 472
Amendments *agreed to*, and *disagreed to.*
Committee *appointed,* "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed:" —List of the Committee 485

Metropolitan Tramways Provisional Orders Suspension Bill—*Ordered* (*Mr. Arthur Peel, Mr. Chichester Fortescue*); *presented,* and read the first time [Bill 219] 485

Local Taxation Accounts Bill—*Ordered* (*Mr. Pell, Sir Massey Lopes, Mr. Clare Read, Mr. Rowland Winn*); *presented,* and read the first time [Bill 220] 485

Drainage and Improvement of Lands (Ireland) Supplemental (No. 2) Bill—*Ordered* (*Mr. William Henry Gladstone, Mr. Baxter*); *presented,* and read the first time [Bill 218] 485

LORDS, TUESDAY, JULY 2.

Inclosure Law Amendment Bill (No. 169)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Morley*) .. 486
After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 11*th instant.*

Local Courts of Record Bill [H.L.]—*Presented* (*The Lord Redesdale*); read 1ª (No. 185) 495

COMMONS, TUESDAY, JULY 2.

ARMY—AUTUMN MILITARY MANŒUVRES—VOLUNTEERS—Question, Colonel C. Lindsay; Answer, Mr. Cardwell 495

Mines (Coal) Regulation (*re-committed*) **Bill** [Bill 150]—
Bill *considered* in Committee [*Progress 27th June*] 496
After long time spent therein, Committee report Progress; to sit again upon *Thursday.*

It being now Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

PROPERTY AND REVENUES OF THE CHURCH OF ENGLAND—ADDRESS FOR A ROYAL COMMISSION—
Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty that by means of a Royal Commission full and accurate particulars may be procured of the origin, nature, amount, and application of any property and revenues appropriated to the use of the Church of England,"—(*Mr. Miall*) 527
Amendment proposed,
To leave out the words "the use of the Church of England," in order to add the words "any ecclesiastical purposes, and that such Commission may be instructed to consider what re-arrangements in the system of parochial benefices may be needed for the better adjustment of parishes and incomes in the Church of England, and what amendments may be made in the Laws relating to the patronage of benefices,"—(*Mr. Thomas Hughes,*)—instead thereof 548
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House *divided;* Ayes 94, Noes 295; Majority 201.
Division List, Ayes and Noes 578
Question put, "That the words
'any ecclesiastical purposes, and that such Commission may be instructed to consider what re-arrangements in the system of parochial benefices may be needed for the better adjustment of parishes and incomes in the Church of England, and what amendments may be made in the Laws relating to the patronage of benefices,'
be added, instead thereof.
The House *divided;* Ayes 41, Noes 270; Majority 229:—Main Question, as amended, put, and *negatived.*

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Military Forces Localisation (Expenses) Bill—Resolution [July 1] *reported*, and *agreed to*:—Bill *ordered* (*Mr. Bonham-Carter, Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell*); *presented*, and read the first time [Bill 222] 581

COMMONS, WEDNESDAY, JULY 3.

TRAMWAYS (METROPOLIS) BILLS—
Resolutions (*Mr. Arthur Peel*) 582

Commons Protection, &c. Bill [Bill 63]—
Moved, "That the Bill be now read a second time,"—(*Sir Charles Dilke*) 583
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Gregory*.)
After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 17, Noes 184; Majority 167:—Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for three months.

Sale of Liquors on Sunday Bill [Bill 78]—
Moved, "That the Bill be now read a second time,"—(*Mr. Birley*) .. 601
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Joshua Fielden*.)
Question proposed, "That the word 'now' stand part of the Question:"—After debate, and it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

LORDS, THURSDAY, JULY 4.

Acrobats Bill (No. 173)—
Moved, "That the Bill be now read 2^a,"—(*The Lord Buckhurst*) .. 618
After debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Trusts of Benefices and Churches Bill (No. 151)—
Moved, "That the Bill be now read 3^a,"—(*The Lord Bishop of Carlisle*) 623
After short debate, Motion and Bill (by Leave of the House) *withdrawn*.

COMMONS, THURSDAY, JULY 4.

PARLIAMENT—PRIVATE LEGISLATION—RESOLUTION—
Order read, for resuming Adjourned Debate on Question [13th June]:—Question again proposed:—Debate *resumed* 626
After debate, Debate *further adjourned* till *Thursday* 18th July.

THE ECCLESIASTICAL COMMISSION—CHARGES OF MANAGEMENT—Question, Mr. Salt; Answer, Sir Thomas Acland 630
WAYS AND MEANS—INHABITED HOUSE DUTY—Question, Mr. W. H. Smith; Answer, The Chancellor of the Exchequer 631
POST OFFICE—POSTAGE TO THE WEST INDIES—Question, Mr. Bowring; Answer, Mr. Monsell 632
IRELAND — LIGHTHOUSES FOR LOUGH SWILLY — Question, Mr. Conolly; Answer, Mr. Chichester Fortescue 632
CRIMINAL LAW—CONVICT LABOUR—Question, Colonel Beresford; Answer, Mr. Bruce 633
IRELAND—GALWAY ELECTION INQUIRY—MR. JUSTICE KEOGH—Questions, Mr. Mitchell Henry, Colonel Wilson Patten, Viscount Crichton; Answers, The O'Donoghue, Mr. Gladstone, Mr. Attorney General for Ireland 633

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METROPOLIS — HYDE PARK — GUARDS DRILL — Question, Mr. Robertson; Answer, Mr. Ayrton 636
MID-WALES COUNTY COURT CIRCUIT — Question, Mr. Osborne Morgan; Answer, The Attorney General 637
SOUTH PACIFIC ISLANDS — SAMOAN OR NAVIGATORS ISLANDS — Question, Admiral Erskine; Answer, Viscount Enfield 637
CAMBRIDGE UNIVERSITY—UNIVERSITY TESTS ACT—Question, Mr. R. Torrens; Answer, Mr. Gladstone 638
ARMY—THE AUTUMN MILITARY MANŒUVRES—THE VOLUNTEERS—Questions, Colonel Loyd Lindsay, Lord Elcho; Answer, Mr. Cardwell .. 639
ARMY—WIMBLEDON REVIEW—Question, Colonel C. Lindsay; Answer, Mr. Cardwell 639
CORRUPT PRACTICES AT MUNICIPAL ELECTIONS BILL—Questions, Mr. Rylands; Answers, Mr. Gladstone, Mr. James 640

Mines (Coal) Regulation (*re-committed*) **Bill** [Bill 150]—
Bill *considered* in Committee [*Progress 2nd July*] 640
After some time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Galashiels Jurisdiction Act Amendment Bill—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented*, and read the first time [Bill 225] 667
School Boards Bill—*Ordered* (*Mr. William Edward Forster, Mr. Winterbotham*); *presented*, and read the first time [Bill 224] 667
Grand Juries (Ireland) Bill—*Ordered* (*The Marquess of Hartington, Mr. Attorney General for Ireland*); *presented*, and read the first time [Bill 226] 668
RAILWAY ROLLING STOCK (DISTRAINT) BILL—
Select Committee *nominated*:—List of the Committee 668
WILDFOWL PROTECTION BILL—
Select Committee *nominated*:—List of the Committee 668

LORDS, FRIDAY, JULY 5.

ARMY RE-ORGANIZATION—DEPÔT CENTRES—OXFORD—Question, Observations, The Marquess of Salisbury; Reply, The Marquess of Lansdowne:—Short debate thereon 668
Education (Scotland) Bill (No. 183)—
Moved, "That the Bill be now read 2ª,"—(*The Duke of Argyll*) .. 674
After debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

Treaty of Washington Bill [H.L.]—*Presented* (*The Earl of Kimberley*); read 1ª (No. 191) 698

COMMONS, FRIDAY, JULY 5.

PARLIAMENT—ORDER OF BUSINESS ON NOTICES OF MOTION—Question, Mr. Newdegate; Answer, Mr. Speaker 698
NEW LAW COURTS—THE STRAND FRONT—Question, Mr. Cavendish Bentinck; Answer, Mr. Ayrton 699
PARLIAMENT — GRAND JURY PRESENTMENTS (IRELAND) BILL — Questions, Captain Archdall; Answers, The Marquess of Hartington, Mr. Speaker 700
IRELAND—CONSTABULARY FORCE—Questions, Mr. P. J. Smyth, Mr. Maguire; Answers, The Marquess of Hartington 701
IRELAND—THE GALWAY ELECTION PETITION—THE MAYOR OF DROGHEDA—Questions, Mr. Whitworth, Colonel Stuart Knox; Answers, The Attorney General for Ireland 702

CATTLE IMPORTATION—CATTLE FROM SCHLESWIG-HOLSTEIN—Question, Mr. Samuda; Answer, Mr. W. E. Forster 702

ARMY—BRIGHTON REVIEW ON EASTER MONDAY—Question, Lord Elcho; Answer, Mr. Cardwell 703

PARLIAMENT—RULES AND ORDERS—ORDERS OF THE DAY—RIGHTS OF PRIVATE MEMBERS—Questions, Mr. Newdegate; Answers, Mr. Speaker .. 704

Mines (Coal) Regulation (*re-committed*) **Bill** [Bill 150]—

Bill *considered* in Committee [*Progress 4th July*] 708

After some time spent therein, Bill *reported;* as amended, to be *considered* upon *Tuesday* next, at Two of the clock.

Metalliferous Mines Regulation (*re-committed*) **Bill** [Bill 151]—

Bill *considered* in Committee 716

After short time spent therein, Committee report Progress; to sit again *this day*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

EGYPT—JUDICIAL REFORMS—Question, Observations, Mr. Baillie Cochrane; Reply, Viscount Enfield:—Short debate thereon 723

Motion, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

(1.) £29,500, Natural History Museum 736
After debate, Question put:—The Committee *divided;* Ayes 85, Noes 45; Majority 40.

(2.) Motion made, and Question proposed, "That a sum, not exceeding £5,851, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for New Buildings, Maintenance and Repair of Buildings, and other Expenses connected therewith, of the Metropolitan Police Courts" 745
Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Whalley.*)—After short debate, Motion, by leave, *withdrawn:*—Original Question put, and *agreed to.*

(3.) £110,483, to complete the sum for Public Buildings in Ireland.

(4.) £12,560, to complete the sum for Lighthouses Abroad.

(5.) £450, to complete the sum for Embassy Houses Abroad.

(6.) £61,483, to complete the sum for Embassy Houses, &c. Constantinople, China, Japan, and Tehran.

(7.) £251,472, to complete the sum for Superannuation and Retired Allowances.—After short debate, Vote *agreed to* 745

(8.) £31,910, to complete the sum for Merchant Seamen's Fund Pensions, &c.

(9.) £27,000, to complete the sum for Relief of Distressed British Seamen Abroad.

(10.) £14,350, to complete the sum for Hospitals and Infirmaries, Ireland.

(11.) £4,451, to complete the sum for Miscellaneous Charitable and other Allowances, Great Britain.

(12.) £4,618, to complete the sum for Miscellaneous Charitable and other Allowances, Ireland.

Motion made, and Question proposed, "That a sum, not exceeding £976,468, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Customs Department" 746
Motion, by leave, *withdrawn.*

(13.) £1,644,308, Inland Revenue Department.—After short debate, Vote *agreed to* ... 747

(14.) £2,609,814, Post Office Services, &c.

Committee report Progress:—Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

Municipal Corporations (Wards) Bill [Bill 102]—

Moved, "That the Bill be now read the third time,"—(*Mr. Winterbotham*) 747

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Robert Fowler.*)

Municipal Corporations (*Wards*) *Bill*—continued.

After short debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 67, Noes 34; Majority 33:—Main Question put, and *agreed to:*—Bill read the third time, and *passed.*

Criminal Law Amendment Act (1871) Amendment Bill [Bill 157]—

Moved, "That the Bill be now read a second time,"—(*Mr. Vernon Harcourt*) 750

Moved, "That the Debate be now adjourned,"—(*Lord Elcho:*)—After short debate, Question put:—The House *divided;* Ayes 32, Noes 30; Majority 2:—Debate *adjourned* till *Monday* next.

Farm Buildings (Scotland) Bill—*Ordered* (*Mr. Fordyce, Mr. M'Combie*); *presented,* and read the first time [Bill 231] 752

LORDS, MONDAY, JULY 8.

New Peer—The Right Honourable Sir John Young, Baronet, created Baron Lisgar 753

Parliamentary and Municipal Elections Bill (No. 186)—

Commons Amendments *considered* 753

Commons Amendments to Lords Amendments, and Commons consequential Amendments, and reasons for disagreeing to some of the Amendments made by the Lords, *considered* (according to Order).

Several amendments *insisted on;* several *not insisted on;* and Commons amendments *agreed to;* and a Committee appointed to prepare reasons to be offered to the Commons for the Lords insisting on the said amendments: The Committee to meet *forthwith:* Report from the Committee of the reasons; read, and *agreed to;* and a message sent to the Commons to return the said Bill, with amendments and reasons

Summary Jurisdiction Bill [H.L.]—*Presented* (*The Lord Chancellor*); read 1ª (No. 200) 785

COMMONS, MONDAY, JULY 8.

Ireland—Galway Election Inquiry—Mr. Justice Keogh—Question, Sir Thomas Bateson; Answer, Mr. Gladstone 786

Post Office—Telegraph Clerks—Question, Mr. Synan; Answer, Mr. Baxter 788

Irish Church Act—Income Tax on Commutations—Question, Mr. Pim; Answer, The Marquess of Hartington 789

Inland Revenue—Carriage Duty—Question, Mr. F. Monckton; Answer, The Chancellor of the Exchequer 790

Army—The Militia—Question, Colonel Parker; Answer, Mr. Cardwell 790

Army—The Autumn Manœuvres—Question, Mr. Dimsdale; Answer, Mr. Cardwell 791

Metropolitan Police—Alleged Violence—Question, Mr. Eykyn; Answer, Mr. Bruce 791

Metropolitan Board of Works—Thames Embankment—Questions, Mr. Crawford; Answers, Colonel Hogg 792

Army—The Volunteers—War Office Circular, 1872—Question, Mr. H. B. Samuelson; Answer, Mr. Cardwell 793

CRIMINAL LAW—THE DROITWICH MAGISTRATES—Question, Mr. Sherriff; Answer, Mr. Bruce 793

METROPOLITAN GAS COMPANIES—Question, Mr. Stephen Cave; Answer, Mr. Chichester Fortescue 794

IRELAND—DUBLIN METROPOLITAN POLICE—Question, Mr. Callan; Answer, The Marquess of Hartington 794

ARMY RE-ORGANIZATION—ARMY COMMISSIONS—ENSIGNS AND LIEUTENANTS—Question, Lord Claud Hamilton; Answer, Mr. Cardwell .. 795

IRELAND—THE QUEEN'S COLLEGES—Question, Mr. Synan; Answer, The Marquess of Hartington 795

ARMY REGULATION BILL—MILITIA STOREHOUSES—Question, Mr. Hunt; Answer, Mr. Cardwell 796

ADMIRALTY AND WAR OFFICE REBUILDING BILL—Question, Mr. Corry; Answer, Mr. Ayrton 796

ARMY—MEDICAL REGULATIONS—Question, Mr. R. Torrens; Answer, Mr. Cardwell 797

ARMY—DEPÔT CENTRES—OXFORD—Question, Colonel C. Lindsay; Answer, Mr. Cardwell 797

SPAIN—SLAVERY IN CUBA—Question, Mr. A. Johnston; Answer, Viscount Enfield 797

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES.

(1.) £14,483, to complete the sum for Temporary Commissions.
(2.) £2,800, Deep Sea Exploring.
(3.) Motion made, and Question proposed, "That a sum, not exceeding £4,133, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the costs incurred by Ex-Governor Eyre in the various Criminal Prosecutions instituted against him" ... 798
After long debate, Question put:—The Committee *divided;* Ayes 243, Noes 130; Majority 113.
(4.) £5,485, to complete the sum for Miscellaneous Expenses.

Resolutions to be reported.

Motion made, and Question proposed, "That a sum, not exceeding £976,468, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Customs Department" 853

After short debate, House *resumed.*
Resolutions to be reported *To-morrow,* at Two of the clock; Committee report Progress; to sit again upon *Wednesday.*

SUPPLY—REPORT—

After short debate, First Four Resolutions *agreed to* 854
Fifth Resolution read a second time.
Moved, "That this House doth agree with the Committee in the said Resolution."
Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the further Consideration of the said Resolution be postponed,"—(*Mr. Rylands,*)—instead thereof.
Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn:*—Main Question put, and *agreed to.*
Sixth Resolution *agreed to.*
The Seventh Resolution being read a second time, Amendment proposed, to leave out "£251,472," in order to insert "£250,677 18*s.*,"—(*Mr. Stopford-Sackville,*)—instead thereof.
Question, "That '£251,472' stand part of the Resolution," put, and *negatived:*—£250,677 18*s. inserted.*
Resolution, as amended, *agreed to:*—Subsequent Resolutions *agreed to.*

Grand Juries (Middlesex) Bill—*Ordered* (*Mr. William Henry Smith, Mr. Russell Gurney, Lord George Hamilton*); *presented,* and read the first time [Bill 235] ... 856

Basses Lights (Ceylon) Bill—*Ordered* (*Mr. Arthur Peel, Mr. Chichester Fortescue, Mr. Baxter*); *presented,* and read the first time [Bill 234] 856

LORDS, TUESDAY, JULY 9.

Limited Owners Improvement Bill (No. 154)—

Order of the Day for the House to be put into Committee, read .. 857

Moved, "That the Order for Committee be discharged,"—(*The Marquess of Salisbury.*)

Motion *agreed to*:—Order *discharged*; and Bill (by Leave of the House) *withdrawn.*

Registration of Births and Deaths Bill (No. 179)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Morley*) .. 858

Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—LETTER OF THE EARL OF GRANARD—Observations, Viscount Midleton; Reply Earl Spencer:—Short debate thereon 859

COMMONS, TUESDAY, JULY 9.

PALACE OF WESTMINSTER—DECAY OF THE STONEWORK—Question, Mr. Butler-Johnstone; Answer, Mr. Ayrton 871

THE NEW POST OFFICE BUILDINGS—Question, Mr. Winn; Answer, Mr. Ayrton 872

Metalliferous Mines Regulation (*re-committed*) **Bill** [Bill 151]—

Bill *considered* in Committee [*Progress 5th July*] 872

After short time spent therein, Bill *reported*; as amended, to be considered upon *Friday*, at Two of the clock, and to be *printed.* [Bill 236.]

Mines (Coal) Regulation Bill [Bill 150]—

Order for Consideration, as amended, read 874

Amendments made.

It being now ten minutes to Seven of the clock, further Consideration of the Bill, as amended, *deferred* till *Thursday.*

SUPPLY—Resolutions [July 8] *reported,* and *agreed to.*

It being Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

[House counted out]

COMMONS, WEDNESDAY, JULY 10.

Proportional Representation Bill [Bill 67]—

Moved, "That the Bill be now read a second time,"—(*Mr. Morrison*) .. 890

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no measure dealing with the re-distribution of Electoral Representation will be satisfactory to this House which does not extend to Scotland and Ireland, and which does not give an equal share of political power to all Electors,"—(*Sir Charles Dilke,*)—instead thereof.

After debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Question proposed, "That the words

'No measure dealing with the re-distribution of Electoral Representation will be satisfactory to this House which does not extend to Scotland and Ireland, and which does not give an equal share of political power to all Electors,'

be added, instead thereof:—Question put:—The House *divided*; Ayes 26, Noes 154; Majority 128.

Vaccination Acts Amendment Bill [Bill 91]—

Moved, "That the Bill be now read a second time,"—(*Mr. Pease*) .. 926

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Monk.*)

Question proposed, "That the word 'now' stand part of the Question:"—After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow.*

Education Rate Apportionment Bill—*Ordered* (*Mr. Magniac, Captain Egerton, Mr. Rathbone, Mr. Henry Robert Brand*); *presented,* and read the first time [Bill 239] ... 934

General Police and Improvement (Scotland) Supplemental Bill—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented,* and read the first time [Bill 238] ... 934

LORDS, THURSDAY, JULY 11.

Inclosure Law Amendment Bill (No. 169)—

House in Committee (according to Order) 935

Amendments made; the Report thereof to be received on *Tuesday* next, and Bill to be *printed,* as amended. (No. 204.)

Treaty of Washington Bill (No. 191)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Kimberley*) .. 942

After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

COMMONS, THURSDAY, JULY 11.

IRELAND—IRISH CONSTABULARY—COSTS OF COLONEL HILLIER—Question, Captain Archdall; Answer, The Marquess of Hartington .. 946

EDUCATION—TEACHERS UNDER THE LOCAL GOVERNMENT BOARD—Question, Mr. Reed; Answer, Mr. W. E. Forster 946

THE INDIAN BUDGET—Question, Sir Stafford Northcote; Answer, Mr. Grant Duff 947

SCIENCE AND ART MUSEUM, EAST LONDON—Question, Mr. Holms; Answer, Mr. W. E. Forster 947

NAVY—EXPERIMENTAL GUNNERY—Question, Mr. Laird; Answer, Mr. Goschen 948

COUNTY COURT JUDGES—CIRCUIT No.—Question, Mr. West; Answer, The Attorney General 949

ARMY—AUXILIARY FORCES—YEOMANRY ADJUTANTS—Questions, Mr. J. Lowther; Answers, Sir Henry Storks 949

CORRUPT PRACTICES BILL—Question, Mr. Assheton Cross; Answer, Mr. Gladstone 950

IRELAND—MR. JUSTICE KEOGH—Questions, Lord Claud Hamilton, Mr. Mitchell Henry; Answer, The Marquess of Hartington .. 951

FRANCE—DEPORTATION OF POLITICAL PRISONERS—Question, Mr. Dodson; Answer Viscount Enfield 952

CIVIL SERVICE CO-OPERATIVE ASSOCIATIONS—Question, Sir Thomas Chambers; Answer, The Chancellor of the Exchequer 953

IRELAND—THE IRISH CONSTABULARY—Questions, Mr. Maguire; Answers, The Marquess of Hartington 955

METROPOLIS—BERMONDSEY WATER SUPPLY—Question, Observations, Mr. Kay-Shuttleworth; Reply, Mr. Chichester Fortescue 955

ELEMENTARY EDUCATION ACT—SECTION 33—SCHOOL BOARDS—Question, Mr. Serjeant Simon; Answer, Mr. W. E. Forster 956

WELSH COUNTY COURT CIRCUITS—Question, Mr. Osborne Morgan; Answer, The Attorney General 957

Intoxicating Liquor (Licensing) Bill (*Lords*) [Bill 198]—
Moved, "That the Bill be now read a second time,"—(*Mr. Secretary Bruce*) 957
After long debate, Motion *agreed to*:—Bill read a second time, and *committed* for *Tuesday* next.

Mines (Coal) Regulation Bill [Bill 150]—
Further Proceeding on Consideration of Bill, as amended, *resumed* .. 1003
Amendments made:—Bill to be read the third time upon *Tuesday* next, at Two of the clock, and to be *printed*. [Bill 240.]

Consolidated Fund (£8,000,000) Bill—Resolution [July 10] *reported*, and *agreed to*:—Bill *ordered* (*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter*); *presented*, and read the first time 1010

Larceny Law Amendment Bill—*Ordered* (*Mr. William Henry Gladstone, Mr. Baxter*); *presented*, and read the first time [Bill 241] 1011

Judges' Salaries Bill—*Ordered* (*Mr. William Henry Gladstone, Mr. Baxter*); *presented*, and read the first time [Bill 242] 1011

Income Tax Collection (Public Departments) Bill—*Ordered* (*Mr. Baxter, Mr. William Henry Gladstone*); *presented*, and read the first time [Bill 243] ... 1011

Expiring Laws Continuance Bill—*Ordered* (*Mr. Baxter, Mr. William Henry Gladstone*); *presented*, and read the first time [Bill 244] 1011

Turnpike Acts Continuance, &c. Bill—*Ordered* (*Mr. Winterbotham, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 245] 1011

Workmen and Servants (Compensation for Injuries) Bill—*Ordered* (*Mr. Morrison, Mr. Hinde Palmer, Mr. Andrew Johnston*); *presented*, and read the first time [Bill 246] 1011

LORDS, FRIDAY, JULY 12.

Education (Scotland) Bill (No. 183)—
Order of the Day for the House to be put into a Committee, read .. 1012
After short debate, House in Committee (according to Order).
Amendments made; the Report thereof to be received on *Tuesday* next, and Bill to be *printed*, as amended. (No. 210.)

COMMONS, FRIDAY, JULY 12.

IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—Questions, Mr. Mitchell Henry; Answers, Mr. Gladstone .. 1037
IRELAND—THREATENING LETTERS—Question, Sir Thomas Bateson; Answer, Mr. Gladstone 1038
IRELAND—SUPERANNUATION ALLOWANCES—VALUATION DEPARTMENT—Question, The O'Conor Don; Answer, Mr. Baxter 1039
ARMY—TROOP SERJEANTS OF YEOMANRY AS MUSKETRY INSTRUCTORS—Question, Mr. A. Egerton; Answer, Mr. Cardwell 1040
ASHTON-UNDER-LYNE—CONDUCT OF THE POLICE—Question, Mr. Mellor; Answer, Mr. Bruce 1040
METROPOLITAN BOARD OF WORKS—BUILDINGS ON THE THAMES EMBANKMENT—Questions, Dr. Brewer, Mr. Collins; Answers, Mr. Ayrton .. 1041
PARLIAMENT—BUSINESS OF THE HOUSE—CLOSE OF THE SESSION—Question, Colonel Wilson Patten; Answer, Mr. Gladstone 1042

Parliamentary and Municipal Elections Bill—
Order of the Day for the Consideration of the Lords' Reasons read .. 1043
Lords Amendment and Reasons for disagreeing to one of the consequential Amendments made by this House to the Bill, and for insisting on certain Amendments to which this House hath disagreed, *considered*.

Parliamentary and Municipal Elections Bill—continued.

After long debate, Committee *appointed,* "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendment to which this House hath disagreed; and for insisting on its disagreement to certain other Amendments on which The Lords insist:"—List of the Committee 1067

Reasons for disagreement to The Lords Amendment, and for insisting on disagreement to certain other Amendments on which The Lords insist, *reported,* and *agreed to:*—To be communicated to The Lords.

PUBLIC HEALTH (SALARY)—REPORT—
Resolution [July 11] *reported* 1068
After short debate, Resolution *agreed to.*

Public Health (*re-committed*) **Bill** [Bill 215]—
Order for Committee read 1075
Moved, "That it be an Instruction to the Committee, that they have power to provide for the rebuilding of workmen's dwellings in cases where the same shall have been extensively pulled down under or by virtue of any Act of Parliament,"—(*Mr. W. M. Torrens.*)
After short debate, Motion, by leave, *withdrawn.*
Moved, "That Mr. Speaker do now leave the Chair."
After further short debate, Motion *agreed to:*—Debate *adjourned* till *Monday* next.

It being now ten minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

DIPLOMATIC RELATIONS WITH PERSIA—RESOLUTION—Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the recommendation of the Diplomatic Committee of last year be carried out, viz. that the control of our relations with Persia be transferred to the India Office, or that the payments for the expenses of our mission in Persia be readjusted,"—(*Mr. Eastwick,*)—instead thereof 1083
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put:—The House *divided;* Ayes 90, Noes 60; Majority 30.

ARMY—CAVALRY REMOUNTS—Observations, Question, Mr. Brown; Reply, Sir Henry Storks 1116
DURHAM CHURCH LEASEHOLDS—Observations, Question, Mr. Stevenson; Reply, Mr. Bruce 1117
CRIMINAL LAW—"TICHBORNE V. LUSHINGTON"—PROSECUTION OF THE "CLAIMANT" FOR PERJURY—Question, Observations, Mr. Whalley; Reply, The Chancellor of the Exchequer 1118

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee.
Committee report Progress; to sit again upon *Monday* next.

Bastardy Laws Amendment Bill [Bill 109]—
Bill *considered* in Committee 1120
After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next.

LORDS, MONDAY, JULY 15.

MERCHANT SHIPPING CODE BILL OF 1871—Question, The Earl of Belmore; Answer, Earl Cowper 1121

Parliamentary and Municipal Elections Bill—
Commons' consequential Amendments and Commons' Reasons for disagreeing to some of the Amendments made by the Lords, *considered* (according to Order) 1122
After short debate, Amendments *not insisted on*:—Bill returned to the Commons.

Ecclesiastical Dilapidations Act (1871) Amendment Bill [H.L.]—*Presented* (*The Lord Egerton*); read 1ª (No. 211) 1123

Public Schools Act (1868) Amendment Bill [H.L.]—*Presented* (*The Earl of Camperdown*); read 1ª (No. 212) 1123

COMMONS, MONDAY, JULY 15.

Married Women's Property Act, 1870—Question, Mr. Pim; Answer, The Attorney General 1124
Ireland—Mr. Justice Keogh—Question, Colonel Stuart Knox; Answer, Mr. Cardwell 1125
Foot and Mouth Disease—Question, Mr. Backhouse; Answer, Mr. W. E. Forster 1125
Post Office—Telegrams—Question, Mr. Lea; Answer, Mr. Monsell .. 1127
Army—Militia Regiments—Question, Mr. Stanley; Answer, Mr. Cardwell 1127
Army Re-organization—Depôt Centre for Hereford—Question, Major Arbuthnot; Answer, Mr. Cardwell 1127
International Copyright — Question, Mr. Macfie; Answer, Viscount Enfield 1128
Birmingham Sewerage Bill—Questions, Mr. Pell, Mr. Leeman; Answers, Mr. Stansfeld, Mr. Pell 1128
The Late Telegraph Companies—Question, Mr. Synan; Answer, Mr. Baxter 1130
Criminal Law Amendment Act, 1871—Picketing—Question, Observations, Mr. Vernon Harcourt 1130
Moved, "That this House do now adjourn,"—(*Mr. Vernon Harcourt.*)
Reply, Mr. Gladstone:—Short debate thereon.
Birmingham Sewerage Bill—Question, Observations, Sir Robert Peel, Mr. Mundella; Reply, Mr. Stansfeld:—Short debate thereon .. 1134
Motion, by leave, *withdrawn.*
Navy—H.M.S. "Euphrates"—Question, Lord Henry Scott; Answer, Mr. Goschen 1137
Criminal Law—The Tichborne Prosecution—Question, Mr. Eykyn; Answer, The Attorney General 1138
Parliament—Public Business—Question, Observations, Colonel Wilson-Patten; Reply, Mr. Gladstone:—Short debate thereon .. 1138
Ireland—The Iirsh Press and Mr. Justice Keogh—Questions, Mr. O'Neill, Lord Claud John Hamilton; Answers, Mr. Gladstone, The Attorney General for Ireland 1145
Intercolonial Tariffs—Question, Mr. P. J. Smyth; Answer, Mr. Gladstone 1145
Treaty Arrangements with Turkey—Question, Mr. M'Lagan; Answer, Viscount Enfield 1146
Navy—H.M.S. "Zealous"—Question, Sir John Hay; Answer, Mr. Goschen 1146
Post Office—Telegraph Establishment—Question, Mr. W. H. Smith; Answer, Mr. Baxter 1147
Legacy and Succession Duty Department—Question, Mr. Serjeant Simon; Answer, The Chancellor of the Exchequer 1147
Ireland—Case of the Rev. Patrick Walsh — Question, Mr. Vance; Answer, The Attorney General for Ireland 1148
Ireland — Mr. Justice Keogh's Judgment — Question, Mr. Disraeli; Answer, Mr. Gladstone 1150

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SUPPLY—*considered* in Committee—NAVY ESTIMATES.

(In the Committee.)

Motion made, and Question proposed, "That a sum, not exceeding £173,767, be granted to Her Majesty, to defray the Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1873" 1150
Motion made, and Question proposed, "That a sum, not exceeding £169,267, &c.,"—(*Mr. Bentinck* :)—After debate, Question put, and *negatived*.
Original Question again proposed.
Motion made, and Question proposed, "That a sum, not exceeding £172,767, &c.,"—(*Lord Henry Lennox*) 1165
After long debate, Motion, by leave, *withdrawn* :—Original Question put, and *agreed to*.
Resolution to be reported *To-morrow*, at Two of the clock; Committee to sit again upon *Wednesday*.

Military Forces Localisation (Expenses) Bill [Bill 222]—
Moved, "That the Bill be now read a second time,"—(*Mr. Secretary Cardwell* 1200
After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Holms* :)—After further short debate, Motion *agreed to* :—Debate *adjourned* till *To-morrow*.

Registration of Partnerships Bill—*Ordered* (*Mr. Norwood, Mr. Barnett, Mr. Turner, Mr. Whitwell*); *presented*, and read the first time [Bill 249] 1215

Military Manœuvres Bill—*Ordered* (*Mr. Secretary Cardwell, Mr. Campbell*); *presented*, and read the first time [Bill 251] 1215

War Office (Pensions) Bill—*Ordered* (*Mr. Campbell, Mr. Secretary Cardwell*); *presented*, and read the first time [Bill 252] 1215

General Police and Improvement (Scotland) Act 1862 Amendment Bill—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented*, and read the first time [Bill 250] 1216

Greenwich Hospital Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. Goschen*); *presented*, and read the first time [Bill 253] 1216

Local Government Supplemental (No. 3) Bill—*Ordered* (*Mr. Hibbert, Mr. Chichester Fortescue*); *presented*, and read the first time [Bill 254] 1216

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL—
Message from *The Lords*,—That they do not insist on their Amendments to the Parliamentary and Municipal Elections Bill to which this House disagrees; and agree to the Amendments made by this House to the Bill with Amendments, to which they desire the concurrence of this House."
Lords Amendments to be considered *forthwith*; *considered*, and *agreed to*.

LORDS, TUESDAY, JULY 16.

TREATY OF WASHINGTON — TRIBUNAL OF ARBITRATION (GENEVA) — THE INDIRECT CLAIMS—ARGUMENT—
Argument of the United States delivered to the Tribunal of Arbitration at Geneva 15th June 1872: *Presented* (by command), and ordered to lie on the Table.—North America (No. 12) (1872.)

Inclosure Law Amendment Bill (No. 204)—
Amendments *reported* (according to Order) 1217
Amendments made:—Bill to be read 3ª on *Friday* next; and to be *printed*, as amended. (No. 221.)

Education (Scotland) Bill (No. 210)—
Amendments *reported* (according to Order) 1224
Amendments made:—Bill to be read 3ª on *Thursday* next; and to be *printed*, as amended. (No. 222.)

Palace of Westminster—The Victoria Tower—Smoke Nuisance Prevention Act—Observations, Question, The Archbishop of Canterbury; Reply, The Duke of St. Albans, The Earl of Morley 1239

Statute Law Revision (No. 2) Bill [H.L.]—*Presented* (*The Lord Chancellor*); read 1ª (No. 217) 1241

Statute Law Revision (Ireland) Bill [H.L.]—*Presented* (*The Lord O'Hagan*); read 1ª (No. 218) 1241

COMMONS, TUESDAY, JULY 16.

Treaty of Washington — Tribunal of Arbitration (Geneva) — The Indirect Claims—Argument—

Copy *presented*,—of Argument of the United States delivered to the Tribunal of Arbitration at Geneva, June 15th 1872 [by Command]; to lie upon the Table.—North America (No. 12, 1872.)

Water Supply (Metropolis)—Question, Colonel North; Answer, Mr. Chichester Fortescue 1242

Post Office—Postmastership of Exeter—Questions, Mr. Bowring, Sir Lawrence Palk; Answers, Mr. Monsell 1243

Public Health (*re-committed*) **Bill** [Bill 215]—

Order read, for resuming Adjourned Debate on Question [12th July], "That Mr. Speaker do now leave the Chair" (for Committee on the Public Health Bill):—Question again proposed:—Debate *resumed* .. 1244

After long debate, Question put, and *agreed to*:—Bill *considered* in Committee:—Committee report Progress; to sit again upon *Thursday*.

Mines (Coal) Regulation Bill [Bill 240]—

Moved, "That the Bill be now read the third time,"—(*Mr. Secretary Bruce*) 1275

Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the words "re-committed, in respect of Clauses 11 and 30,"—(*Mr. Francis Sharp Powell*,)—instead thereof.

After short debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*:—Words *added*:—Main Question, as amended, put, and *agreed to*:—Bill *re-committed*, in respect of Clauses 11 and 30; *considered* in Committee, and *reported*; as amended, *considered*.

On Question, "That the Bill be read the third time:"—After further short debate, Motion *agreed to*:—Bill read the third time, and *passed*.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

Tweed Fisheries—Resolution—

Moved, "That, in the opinion of this House, some of the provisions of the Fishery Acts now in force on the Tweed and its tributaries are oppressive in their operation, and tend by their severity to render the Acts distasteful to the general public opinion of the neighbourhood,"—(*Mr. Trevelyan*) 1280

After short debate, Motion, by leave, *withdrawn*.

Joint Stock Banks (Ireland)—Resolution—

Moved, "That, in the opinion of this House, Her Majesty's Government should promote a Bill through Parliament to suspend the operation of the eighth section of the Act 8 and 9 Vic. c. 37, so as to enable additional Joint Stock Banks of Issue to be established in Ireland, until such time as the number, capital, and note circulation of such Banks be equal to that of Scotland proportionately to the population of the two kingdoms when said Act was passed in the year 1845,"—(*Mr. Delahunty*) 1289

After short debate, Motion, by leave, *withdrawn*.

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Church Seats Bill (*Lords*) [Bill 194]—

Order for Committee read:—*Moved,* "That Mr. Speaker do now leave the Chair,"—(*Mr. Beresford Hope*) 1290

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Donald Dalrymple,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House *divided;* Ayes 89, Noes 46; Majority 43.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to:*—Bill *considered* in Committee.

After short time spent therein, Bill *reported,* with Amendments; as amended, to be considered upon *Thursday.*

Wild Birds Protection Bill [Bill 247]—

Bill, as amended, *considered* 1297

Amendment made:—Bill to be read the third time *To-morrow.*

Turnpike Trusts Arrangements Bill—*Ordered* (*Mr. Winterbotham, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 256] 1298

COMMONS, WEDNESDAY, JULY 17.

NATIONAL SCHOOLS (IRELAND)—Question, Mr. O'Reilly; Answer, The Marquess of Hartington 1299

Railways (Ireland) Bill [Bill 77]—

Moved, "That the Bill be now read a second time,"—(*Sir Rowland Blennerhassett*) 1299

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Goldsmid:*)—Question proposed, "That the word 'now' stand part of the Question."

After long debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. O'Conor:*)—The House *divided;* Ayes 63, Noes 84; Majority 21.

Yet it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow.*

Law Officers (England) Fees Bill—*Ordered* (*Mr. Chancellor of the Exchequer, Mr. Baxter*); *presented,* and read the first time [Bill 257] 1343

LORDS, THURSDAY, JULY 18.

IRELAND—PARISH OF CALLAN—CASE OF THE REV. R. O'KEEFE—Petition *presented* (*The Earl of Harrowby*) 1343

After short debate, Petition *ordered* to lie on the Table.

Municipal Corporations (Wards) Bill (No. 199)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Morley*) .. 1346

Amendment *moved* to leave out ("now") and insert ("this day three months,")—(*The Marquess of Salisbury.*)

After short debate, on Question, That ("now") stand part of the Motion? their Lordships *divided;* Contents 56, Not-Contents 77; Majority 21:—*Resolved* in the *negative;* and Bill to be read 2ª *this day three months.*

Ecclesiastical Dilapidations Act (1871) Amendment Bill (No. 211)

Moved, "That the Bill be now read 2ª,"—(*The Lord Egerton*) .. 1351

After short debate, Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

Education (Scotland) Bill (Nos. 183, 210, 222)—
Bill read 3^a (according to Order), with the Amendments .. 1351
Further Amendment made:—Bill *passed*, and sent to the Commons.

Indian Mutiny—The Ex-Royal Family of Delhi—Petition of Mirza Ali Kadir *presented* (*The Earl of Derby*) 1352
After short debate, Petition *ordered* to lie on the Table.

COMMONS, THURSDAY, JULY 18.

Army—Employment of Soldiers—Question, Mr. Hanbury-Tracy; Answer, Mr. Cardwell 1359
Ireland — Royal Residence — Question, Mr. Stacpoole; Answer, Mr. Gladstone 1360
Education—Elementary Schools Time Tables—Question, Mr. Mundella; Answer, Mr. W. E. Forster 1360
Navy—Channel Squadron—Question, Mr. Bourke; Answer, Mr. Goschen 1361
Army Regulation Act—Regimental Paymasters—Question, Mr. Sclater-Booth; Answer, Mr. Cardwell 1362
Army—India—Indian Soldiers—Issue of Ball Ammunition—Question, Sir Robert Anstruther; Answer, Mr. Grant Duff 1362
Intoxicating Liquor (Licensing) Bill — Section 28 — Question, Mr. Wheelhouse; Answer, Mr. Bruce 1363
Army—Yeomanry Adjutancies—Question, Mr. J. Lowther; Answer, Sir Henry Storks 1363
Army — Efficiency of Volunteers — Draft Scheme—Question, Major Arbuthnot; Answer, Mr. Cardwell 1364
Dominion of Canada — Defence of the Country — Question, Major Arbuthnot; Answer, Mr. Gladstone 1364
Irish Church Act Amendment—Question, Mr. Kavanagh; Answer, The Marquess of Hartington 1366
International Commission on the Metrical System—Question, Mr. J. B. Smith; Answer, Viscount Enfield 1366
Contagious Diseases Prevention Act—Foot and Mouth Disease—Question, Mr. C. S. Read; Answer, Mr. W. E. Forster .. 1367
Ireland—Lord Lieutenancy of Leitrim—The Earl of Granard—Question, Sir Thomas Bateson; Answer, Mr. Gladstone .. 1368
India—Bengal Police—Question, Mr. Eastwick; Answer, Mr. Grant Duff 1369
Inland Revenue — Railways — Question, Mr. Leeman; Answer, The Chancellor of the Exchequer 1369
Navy — Workmen in Chatham Dockyard — Question, Mr. Otway; Answer, Mr. Goschen 1370
Ireland—Galway Election Petition—Mr. Justice Keogh's Judgment—Questions, Observations, Mr. Disraeli, Mr. Mitchell Henry; Reply, Mr. Gladstone 1370
Parliament—Arrangement of Business—Observations, Mr. Gladstone:—Short debate thereon 1372
Royal Parks and Gardens—The Regulations—Question, Mr. Rylands; Answer, Mr. Ayrton 1373

Public Health (*re-committed*) **Bill** [Bill 215]—
Bill *considered* in Committee 1373
After some time spent therein, Committee report Progress; to sit again *To-morrow.*

Elementary Education (School Board Loans) Bill—Resolution [July 17] *reported*, and *agreed to*:—Bill *ordered* (*Mr. Bonham-Carter, Mr. William Edward Forster, Mr. Baxter*) 1403

Custody of Infants Bill [Bill 93]—
Bill *considered* in Committee 1403
[House counted out.]

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THE COUNTESS OF MAYO — Message from the Queen delivered by the Duke of Argyll 1404
Ordered, That the said Message be taken into consideration on *Monday* next.

KIRWEE PRIZE MONEY—MOTION FOR AN ADDRESS—
Moved that an humble Address be presented to Her Majesty in the matter of the Kirwee Booty, praying Her Majesty to refer the questions in dispute between the troops entitled to the prize money and the Indian Department to the cognizance of a judicial tribunal, under the provisions of the Act 3d & 4th Vict. cap. 65. sect. 22. or of the Act 3d & 4th Will. IV. cap. 41. sect. 4., and in accordance with the unanimous views expressed by the Royal Commissioners on Army Prize in the 7th paragraph of their Report dated 3d May 1864,—(*The Earl of Harrowby*) 1404
After short debate, Motion (by leave of the House) *withdrawn.*

SANITARY CONDITION OF EDINBURGH—MOTION FOR A RETURN—
Moved, "That there be laid before the House the last Return submitted to the Town Council of Edinburgh by the Burgh engineer,"—(*The Lord Kinnaird*) 1412
After short debate, Motion *agreed to.*

Elementary Education (Elections) Bill [H.L.]— *Presented* (*The Lord President*); read 1ª (No. 231) 1412

COMMONS, FRIDAY, JULY 19.

SHETLAND TRUCK COMMISSION REPORT—Question, Sir David Wedderburn; Answer, Mr. Bruce 1413
METROPOLIS—PARLIAMENT STREET—Questions, Mr. Baillie Cochrane; Answers, Mr. Ayrton 1413
POOR LAW (METROPOLIS) — PAUPER CHILDREN — Question, Mr. W. H. Smith; Answer, Mr. Hibbert 1414
CATTLE PLAGUE—Questions, Sir Henry Selwin-Ibbetson, Sir James Elphinstone; Answers, Mr. W. E. Forster 1415
PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL — Question, Mr. Collins; Answer, Mr. Bruce 1416
THE COUNTESS OF MAYO—Message from Her Majesty *brought up*, and read by Mr. Speaker 1416
Moved, "That the Message be taken into Consideration on Monday next,"—(*Mr. Gladstone.*)
Motion *agreed to;* Committee thereupon on *Monday* next.

PARLIAMENT—PUBLIC BUSINESS—BUSINESS OF THE HOUSE—RESOLUTION—
Moved, "That upon Tuesday next, and every succeeding Tuesday, during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority,—(*Mr. Gladstone*) 1417
After debate, Motion *agreed to.*

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

EDUCATION—ELEMENTARY SCHOOL TEACHERS—RESOLUTION—
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House it is desirable to reconsider the Grants for Public Elementary Education, so as to encourage the establishment of Undenominational Normal Schools,"—(*Mr. B. Samuelson,*)—instead thereof 1430
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*
Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

[*July* 19.] *Page*

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—
(In the Committee.)

£1,146,560, to complete the sum for Public Education in Great Britain.—After debate, Vote *agreed to* 1443

Motion made, and Question proposed, "That a sum, not exceeding £176,312, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Department of Science and Art, and of the Establishments connected therewith" 1453

After short debate, Motion, by leave, *withdrawn.*

Motion made, and Question proposed, "That a sum, not exceeding £73,601, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the British Museum, including the amount required for Furniture, Fittings, &c" 1453

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Sclater-Booth:*)—Motion, by leave, *withdrawn:*—Original Motion, by leave, *withdrawn.*

Resolution to be reported upon *Monday* next; Committee to sit again *this day.*

And it being now five minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

ELEMENTARY EDUCATION—REVISED NEW CODE (1871)—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable to modify the new code of regulations issued by the Committee of the Privy Council, in such a manner as to give more encouragement to the teaching of history, geography, elementary social economy, and the other so-called extra subjects, in the Elementary Schools of the Country,"—(*Sir John Lubbock,*)—instead thereof 1454

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

PARLIAMENT—COUNTS OUT—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "every Member taking notice that 40 Members are not present shall do so from his place,"—(*Mr. Bowring,*)—instead thereof 1472

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

ARMY—CONTROL DEPARTMENT—MOTION FOR A COMMISSION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be pleased to cause full inquiry by means of a Royal Commission into the working of the Control Department of the Army, and that the said Commission may be required to frame a Report embodying suggestions, if found necessary, for such alterations, both of principle and detail, as may conduce to efficiency and economy in the Civil and Administrative Departments of Her Majesty's Army,"—(*Major Arbuthnot,*)—instead thereof 1472

Question proposed, "That the words proposed to be left out stand part of the Question:"—Question put, and *agreed to.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee.
Committee report Progress; to sit again upon *Monday* next.

Public Health (*re-committed*) **Bill** [Bill 215]—
Bill *considered* in Committee 1492
After short time spent therein, Bill *reported;* as amended, to be considered upon *Tuesday* next, and to be *printed.* [Bill 261.]

Bastardy Laws Amendment Bill [Bill 109]—
Order read, for resuming Adjourned Debate on Question [15th July], "That the Bill be now taken into Consideration:"—Question again proposed:—Debate *resumed* 1497
Question put, and *agreed to:*—Bill *considered.*
After short debate, Bill to be read the third time upon *Monday* next.

Revising Barristers Bill—*Ordered* (*Mr. Attorney General, Mr. Solicitor General*); *presented,* and read the first time [Bill 262] 1498

Factories (Steam Whistles) Bill—*Ordered* (*Mr. Francis Sharp Powell, Lord Frederick Cavendish, Mr. Clare Read, Major Waterhouse, Colonel Gray, Mr. Charley*); *presented,* and read the first time [Bill 263] 1498

LORDS, MONDAY, JULY 22.

IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—Explanation, The Earl of Granard 1498

THE COUNTESS OF MAYO—THE QUEEN'S MESSAGE CONSIDERED—
Order of the Day for the consideration of the Queen's Message respecting a provision for the Countess of Mayo, read 1499
Moved, "That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Majesty's most gracious Message informing this House, That 'Her Majesty taking into consideration the distinguished services performed by the late Richard Southwell, Earl of Mayo, Her Majesty's Viceroy and Governor-General of India, and the loss of his life in Her service and in the discharge of public duty, and being desirous in recognition of such services and in view of the circumstances of his death to confer some signal mark of Her favour upon his widow, Blanche Julia, Countess of Mayo, recommends it to the House of Lords to concur in enabling Her Majesty to make provision for securing to the Countess of Mayo a pension of one thousand pounds per annum for the term of her natural life;' and to assure Her Majesty that this House will cheerfully concur in such measures as may be necessary for securing to Blanche Julia, Countess of Mayo, a pension of one thousand pounds per annum for the term of her natural life,"—(*The Duke of Argyll.*)
After short debate, Address *agreed to, Nemine Dissentiente;* and *ordered* to be presented to Her Majesty by the Lords with White Staves.

Acrobats Bill (No. 173)—
House in Committee (according to Order) (*on re-commitment*) .. 1502
After short time spent therein, Bill *reported,* without Amendment; Then Bill (by leave of the House) *withdrawn.*

Inclosure Law Amendment Bill (Nos. 169-204-221)—
Order of the Day for the House to be put into Committee, read .. 1505
After short debate, House in Committee.
Amendments made; the Report thereof to be received on *Friday* next, and Bill to be *printed,* as amended (No. 238.)

COMMONS, MONDAY, JULY 22.

PARLIAMENT—BREACH OF PRIVILEGE—PUBLIC PETITIONS COMMITTEE—FICTITIOUS SIGNATURES TO A PETITION—Special Report brought up and read 1511
After short debate, Report to lie upon the Table.

POOR LAW—HENLEY UNION—Question, Mr. Hermon; Answer, Mr. Hibbert 1512

JUSTICES OF THE PEACE—WRIT OF "DEDIMUS POTESTATEM"—Question, Mr. Hunt; Answer, The Attorney General 1513

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IRELAND—THE IRISH LAND ACT—CHAIRMAN OF IRISH COUNTIES (SALARIES)—Question, Mr. Stacpoole; Answer, The Marquess of Hartington .. 1513

TREATY OF WASHINGTON BILL—CANADA—GUARANTEED LOAN—Question, Sir Charles W. Dilke; Answer, Mr. Gladstone 1514

EXPORT OF COAL—Question, Lord John Manners; Answer, Mr. Chichester Fortescue 1515

WEST INDIES—GOVERNMENT OF THE LEEWARD ISLANDS—Question, Mr. Jacob Bright; Answer, Mr. Knatchbull-Hugessen 1515

NAVY—EXPERIMENTS ON THE "GLATTON"—Question, Captain Beaumont; Answer, Mr. Goschen 1516

POST OFFICE—POSTAGE RATES (UNITED STATES)—Question, Mr. Seely; Answer, Mr. Monsell 1517

IMPRISONMENT FOR SMALL DEBTS—Question, Mr. M. T. Bass; Answer, Mr. Gladstone 1517

NAVY—OPENING OF PORTLAND BREAKWATER—Question, Mr. Edwards; Answer, Mr. Goschen 1518

IRELAND—LORD LIEUTENANCY OF LEITRIM—THE EARL OF GRANARD—Question, Mr. Kavanagh; Answer, Mr. Gladstone 1518

IRELAND—RESIDENT MAGISTRATES (SALARIES)—Question, Mr. Synan; Answer, The Marquess of Hartington 1519

METROPOLIS—BATTERSEA PARK—Question, Mr. Cowper-Temple; Answer, Mr. Ayrton 1519

SUPPLY—*considered* in Committee—ARMY ESTIMATES.

(In the Committee.)

(1.) £124,500, Army Reserve Force.—After short debate, Vote *agreed to* ... 1520

(2.) Motion made, and Question proposed, "That a sum, not exceeding £379,700, be granted to Her Majesty, to defray the Charge for Control Establishments, Wages, &c., which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive" 1522

Motion made, and Question proposed, "That a sum, not exceeding £376,052, &c.,"—(*Mr. Jacob Bright.*)—After debate, Question put:—The Committee *divided;* Ayes 74, Noes 140; Majority 66.

After further debate, Original Question put, and *agreed to.*

(3.) £1,784,300, Provisions, Forage, &c.—After short debate, Vote *agreed to* ... 1553

(4.) £751,700, Clothing Establishments, Services, and Supplies.

(5.) £1,195,800, Warlike and other Stores.—After debate, Vote *agreed to* ... 1553

(6.) Motion made, and Question proposed, "That a sum, not exceeding £855,000, be granted to Her Majesty, to defray the Charge for Superintending Establishment of and Expenditure for Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive" 1559

Motion made, and Question proposed, "That a sum, not exceeding £834,000, &c.,"—(*Lord Eustace Cecil.*)—After debate, Amendment, by leave, *withdrawn.*—Original Question put, and *agreed to.*

Moved, "That the Chairman report Progress,"—(*Mr. Cardwell.*)—After short debate, Motion *agreed to.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

THE COUNTESS OF MAYO—HER MAJESTY'S MESSAGE CONSIDERED—

Message from Her Majesty [July 19] *considered* in Committee .. 1570

Resolved, That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said annuity to commence from the fifteenth day of March, one thousand eight hundred and seventy-two, and to be settled in the most beneficial manner upon Blanche Julia Countess of Mayo, Widow of the late Richard Southwell Earl of Mayo, Her Majesty's late Viceroy and Governor General of India, for the term of her natural life.

Resolution to be reported *To-morrow,* at Two of the clock.

Thames Embankment (**Land**) (*re-committed*) **Bill** [Bill 214]—

Order for Committee read:—*Moved,* "That Mr. Speaker do now leave the Chair,"—(*Mr. Chancellor of the Exchequer*) 1579

Thames Embankment (*Land*) *Bill*—continued.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the advanced period of the Session and the pressure of more important public business in which the House is already engaged, it is not expedient to proceed further with the consideration of this Bill,"—(*Mr. Vernon Harcourt,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House *divided;* Ayes 133, Noes 154; Majority 21:—Words *added:*—Main Question, as amended, put, and *negatived.*

Local Government Board (Ireland) Bill [Bill 90]—

Order for Committee read:—*Moved,* "That Mr. Speaker do now leave the Chair,"—(*The Marquess of Hartington*) 1587

Motion *agreed to.*

Bill *considered* in Committee.

After short time spent therein, Bill *reported;* as amended, to be considered *To-morrow.*

NAVY AND ARMY EXPENDITURE (1870-71)—

Considered in Committee 1588

Resolutions to be reported *To-morrow.*

Drainage and Improvement of Land (Ireland) Supplemental (No. 3) Bill—

Ordered (*Mr. William Henry Gladstone, Mr. Baxter*); *presented,* and read the first time [Bill 265] 1589

LORDS, TUESDAY, JULY 23.

Metalliferous Mines Regulation Bill (No. 229)—*and*
Mines (Coal) Regulation Bill (No. 224)—

Moved, "That the Metalliferous Mines Bill be now read 2^{a},"—(*The Earl of Morley*) 1590

After short debate, Motion *agreed to:*—Bill read 2^{a}.

Then the MINES (COAL) REGULATION BILL read a second time; and both Bills *committed* to a Committee of the Whole House on *Friday* next.

Elementary Education (Elections) Bill (No. 231)—

Moved, "That the Bill be now read 2^{a},"—(*The Lord President*) .. 1601

Amendment *moved,* to leave out ("now") and insert ("this day three months,")—(*The Marquess of Salisbury.*)

After short debate, on Question, That ("now") stand part of the Motion? Their Lordships *divided;* Contents 42, Not-Contents 46; Majority 4:—*Resolved* in the *Negative;* and Bill to be read 2^{a} *this day three months.*

Masters and Workmen (Arbitration) Bill (No. 234)—

Moved, "That the Bill be now read 2^{a},"—(*The Lord Kinnaird*) .. 1604

Motion *agreed to:*—Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

TREATY OF WASHINGTON—THE BRITISH COUNTER CASE—Observations, Lord Redesdale; Reply, Earl Granville 1605

SLAVE TRADE—(EAST AFRICAN COAST)—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, praying that such measures as are necessary to assist the cruisers employed in the repression of the Slave Trade on the Eastern Coast of Africa may be adopted,"—(*The Lord Stratheden*) ... 1608

After short debate, then a Question being stated thereupon, the Question was put, Whether the Question shall be now put? *Resolved* in the *Negative.*

Elementary Education Elections (No. 2) Bill [H.L.]—*Presented* (*The Lord President*); read 1^{a} (No. 240) 1621

COMMONS, TUESDAY, JULY 23.

Page

FRANCE — DEPORTATION OF POLITICAL PRISONERS—Questions, Mr. Dodson, Sir Robert Peel; Answers, Viscount Enfield, Mr. Gladstone:—Short Debate thereon 1621

PARLIAMENT — BREACH OF PRIVILEGE — Question, Sir Wilfrid Lawson; Answer, Mr. C. Forster 1624

EDUCATION (SCOTLAND) BILL — Question, Mr. Gordon; Answer, Mr. Gladstone 1625

IRELAND—CASE OF WILLIAM JAMES GRAY—Question, Mr. M'Clure; Answer, The Marquess of Hartington 1625

IRELAND—GALWAY ELECTION PETITION—PROCEEDINGS AGAINST REPORTED PERSONS—Observations, The Attorney General for Ireland .. 1626

Moved, "That this House do now adjourn,"—(*Mr. Mitchell Henry*:)—After debate, Motion, by leave, *withdrawn.*

Military Forces Localisation (Expenses) Bill [Bill 222]—

Order read, for resuming Adjourned Debate on Question [15th July], "That the Bill be now read a second time:"—Question again proposed: —Debate *resumed* 1635

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Holms.*)

Question proposed, "That the word 'now' stand part of the Question:" —After long debate, it being ten minutes before Seven of the clock, the Debate was *adjourned* till *this day.*

Municipal Corporations (Borough Funds) (*re-committed*) **Bill** [Bill 138]—

Bill *considered* in Committee 1673

After long time spent therein, Bill *reported*, as amended, to be considered *To-morrow.*

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

Intoxicating Liquor (Licensing) Bill (*Lords*) [Bill 198]—

Order for Committee read 1674

After short debate, Bill *considered* in Committee.

Clause 1 (Short title) *agreed to.*

Clause 2 (Extent of Act) 1674

Illicit Sales.

Clause 3 (Prohibition of sale of intoxicating liquors without license) *agreed to.*

Clause 4 (Occupier of unlicensed premises liable for sale of liquor) *agreed to.*

Clause 5 (Seller liable for drinking on premises contrary to license) .. 1675

Clause 6 (Evasion of law as to drinking on premises contrary to license) 1678

Clause 7 (Sale of spirits to children. See 2 & 3 Vict., c. 47, s. 43) .. 1678

Clause 8 (Sale to be by standard measure) *agreed to.*

Clause 9 (Internal communication between licensed premises and house of public resort) 1682

Clause 10 (Illicit storing of liquor) *agreed to.*

Clause 11 (Publication of names of licensed persons) *agreed to.*

Offences against public order.

Clause 12 (Penalty on persons found drunk) 1686

Clause 13 (Penalty for permitting drunkenness) 1701

Committee report Progress; to sit again upon *Friday*, at Two of the clock.

Countess of Mayo's Annuity Bill—Resolution [July 22] *reported*, and *agreed to* :—Bill *ordered* (*Mr. Bonham-Carter, Mr. Gladstone, Mr. Chancellor of the Exchequer*); *presented*, and read the first time [Bill 268] 1706

Royal Military Canal Act Amendment Bill—*Ordered* (*Mr. Campbell, Sir Henry Storks*); *presented*, and read the first time [Bill 270] 1706

COMMONS, WEDNESDAY, JULY 24.

Smoke Prevention Act—The Lambeth Potteries—Question, Mr. Heygate; Answer, Mr. Bruce 1706

Capital Punishment Abolition Bill [Bill 32]—

Moved, "That the Bill be now read a second time,"—(*Mr. Charles Gilpin*) 1707

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. J. D. Lewis.*)

After long debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 54, Noes 167; Majority 113:—Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for three months.

Pensions Commutation Act (1871) [Telegraph Officers] Bill—Resolution [July 23] *reported*, and *agreed to* :—Bill *ordered* (*Mr. Bonham-Carter, Mr. Monsell, Mr. Baxter*) 1742

Local Courts of Record Bill (*Lords*) [Bill 259]—

Select Committee *nominated* :—List of the Committee 1742

LORDS, THURSDAY, JULY 25.

Army—The Autumn Manœuvres—Question, Earl De La Warr; Answer, The Marquess of Lansdowne 1742

Corrupt Practices at Municipal Elections Bill (No. 228)—

Moved, "That the Bill be now read 2ª,"—(*Lord Penzance*) .. 1743

Motion *agreed to* :—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

Elementary Education (Elections) (No. 2) Bill (No. 240)—

Moved, "That the Bill be now read 2ª,"—(*The Marquess of Ripon*) .. 1744

Motion *agreed to* :—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

Brickfields—Address for a Return—

Moved, That an humble Address be presented to Her Majesty for the number and names of the officers appointed to inspect brickfields, with the number of visits made by them to such brickfields during the past twelve months,—(*The Earl of Shaftesbury*) ... 1745

After short debate, Motion *agreed to*.

Treaty of Washington—The British Counter Case—Explanation, Lord Redesdale 1746

Irish Church Act Amendment (No. 2) Bill [H.L.]—*Presented* (*The Marquess of Lansdowne*); read 1ª (No. 249) 1747

COMMONS, THURSDAY, JULY 25.

Navy—Dockyard Artisans (Pay)—Question, Mr. J. D. Lewis; Answer, Mr. Goschen 1747

Post Office—Telegraphs—Question, Mr. Lea; Answer, Mr. Monsell .. 1748

Mr. Justice Keogh—Kerry Militia—Question, Mr. Kavanagh; Answer, Mr. Cardwell 1748

Royal Parks and Gardens Bill—The Regulations—Question, Mr. Eustace Smith; Answer, Mr. Ayrton 1749

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EDUCATION—CHILDREN PASSED IN EXTRA SUBJECTS—Question, Mr. Mundella; Answer, Mr. W. E. Forster 1751
PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL—Questions, Mr. Collins; Answers, Mr. Bruce 1751
BREACH OF PRIVILEGE — FICTITIOUS PETITIONS— Question, Sir Wilfrid Lawson; Answer, Mr. C. Forster 1752
THE NEW PUBLIC OFFICES — KING STREET, WESTMINSTER — Question, Mr. W. H. Smith; Answer, Mr. Ayrton 1752
OFFICE OF CHANCELLOR OF THE DUCHY OF LANCASTER — Question, Mr. Assheton Cross; Answer, Mr. Gladstone 1753
THE CAPE COLONY — RESPONSIBLE GOVERNMENT—Question, Mr. R. N. Fowler; Answer, Mr. Knatchbull-Hugessen 1753
ARMY — GUN COTTON — Question, Mr. Corrance; Answer, Sir Henry Storks 1754
INCOME TAX COLLECTION—Question, Mr. Sclater-Booth; Answer, The Chancellor of the Exchequer 1754
THE CATTLE PLAGUE—IMPORTATION FROM RUSSIA— Questions, Mr. Dent, Colonel Wilson Patten; Answers, Mr. W. E. Forster 1755
ELEMENTARY EDUCATION ACT—SCHOOL BOARD DISTRICTS — Question, Mr. Wheelhouse; Answer, Mr. W. E. Forster 1756
IRELAND—PROCLAMATION OF THE COUNTY OF ARMAGH—Question, Mr. Wingfield Verner; Answer, The Marquess of Hartington .. 1757
GALWAY ELECTION PETITION—SUSPENSION OF THE REV. PATRICK WALSH —Question, Mr. Vance; Answer, The Attorney General for Ireland .. 1757
ROME—DIPLOMATIC RELATIONS WITH THE VATICAN—Question, Mr. Monk; Answer, Viscount Enfield 1758
NATIONAL SCHOOLS (IRELAND)—Question, Mr. O'Reilly; Answer, The Marquess of Hartington 1759
GALWAY ELECTION PETITION—"THE FREEMAN'S JOURNAL"—Question, Colonel Stuart Knox; Answer, The Attorney General for Ireland .. 1759
THE LAW EXPENSES OF EX-GOVERNOR EYRE—Personal Explanation, Mr. Bowring 1760
GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—Question, Sir Colman O'Loghlen; Answer, Mr. Gladstone 1761
LAW OFFICERS (ENGLAND) FEES BILL—THE ATTORNEY AND SOLICITOR GENERAL—Question, Mr. Fawcett; Answer, The Chancellor of the Exchequer 1762

GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—RESOLUTION—

Moved, "That this House do resolve itself into a Committee of the whole House, to consider the Report of the Address delivered by Mr. Justice Keogh on the occasion of delivering Judgment on the Trial of the Election Petition for the County of Galway, and the complaints that have been made of the partisan and political character of that Judgment and Address,"—(*Mr. Butt*) 1763

Amendment proposed,

To leave out from the word "House" to the end of the Question, in order to add the words "regrets that Mr. Justice Keogh, when delivering Judgment on the Trial of the Election Petition for the County of Galway, allowed himself to diverge into irrelevant topics, and to make use of intemperate expressions and language inconsistent with the dignity which ought to be maintained by a Judge, and therefore calculated to lower the character of the Courts of Justice in the estimation of the people of Ireland; but, on reviewing the whole circumstances, this House does not think that the case calls for any action with the view to the removal of Mr. Justice Keogh from the Judicial Bench,"—(*Mr. Pim*,) instead thereof 1799

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, *Moved*, "That the Debate be now adjourned,"—(*Sir Colman O'Loghlen*:)—After further debate, Question put:—The House *divided*; Ayes 59, Noes 350; Majority 291.

Question again proposed:—*Moved*, "That this House do now adjourn,"—(*Mr. Maguire*:)—After short debate, Question put, and *negatived*.

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Galway Election Petition—*continued.*

Question again proposed:—*Moved,* "That the Debate be now adjourned,"—(*Sir John Gray,*)—put, and *agreed to.*

After further short debate, *Moved,* "That the Debate be adjourned till Monday next,"—(*Mr. Butt.*)

Amendment proposed, to leave out the words "Monday next," and insert the words "this day,"—(*Mr. Percy Wyndham,*)—instead thereof.

Question put, "That the words 'Monday next' stand part of the Question:"—The House *divided;* Ayes 97, Noes 93; Majority 4:—Main Question put, and *agreed to:*—Debate *adjourned* till *Monday* next.

Law Officers (England) Fees Bill [Bill 257]—

Moved, "That the Bill be now read the third time" 1855

Amendment proposed, to leave out all the words after the word "be," in order to add the word "re-committed,"—(*Mr. Fawcett.*)

After short debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 87, Noes 9; Majority 78:—Main Question put, and *agreed to:*—Bill read the third time, and *passed.*

Kensington Station and North and South London Junction Railway Act, 1859 (Repayment of Moneys) Bill—Resolution [July 23] *reported,* and *agreed to:*—Bill *ordered* (*Mr. Adolphus Young, Mr. Robert Fowler, Mr. Gilpin*); *presented,* and read the first time [Bill 273] 1856

LORDS, FRIDAY, JULY 26.

Endowed Schools Commissioners—Scheme for Hughes' Charity, Beaumaris—Motion for an Address—

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the better management of the Charity of David Hughes, founded A.D. 1609, at Beaumaris in the county of Anglesey,—(*The Lord Bishop of Bangor*) 1857

After short debate, on Question? their Lordships *divided;* Contents 64, Not-Contents 50; Majority 14:—*Resolved* in the *Affirmative.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

School at Felstead—

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the school at Felstead in the county of Essex.—(*The Lord Bishop of Rochester:*)—Objected to; and, on question, *agreed to.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

School at Tideswell—

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the school at Tideswell in the county of Derby.—(*The Marquess of Salisbury:*)—Objected to; and, on question, *agreed to.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

Inclosure Law Amendment Bill (No. 238)—

Order of the Day for receiving the Report of the Amendment, read .. 1864

Moved, That the said Report be now received.

Amendment *moved,* to leave out ("now,") and insert ("this day three months,")—(*The Duke of Northumberland.*)

After short debate, on Question, That ("now") stand part of the Motion? their Lordships *divided;* Contents 53, Not-Contents 65; Majority 12:—*Resolved* in the *Negative;* and Report to be received *this day three months.*

Mines (Coal) Regulation Bill (No. 224)—
House in Committee (according to Order) 1869
Amendments made; the Report thereof to be received on *Tuesday* next, and Bill to be *printed*, as amended. (No. 255.)

Wild Birds Protection Bill (No. 248)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Malmesbury*) .. 1884
After short debate, Motion *agreed to*;—Bill read 2ª, and *committed* to a Committee of the Whole House on *Tuesday* next.

COMMONS, FRIDAY, JULY 26.

IRELAND—THE ANTRIM ARTILLERY—LORD MASSEREENE—Question, Mr. Maguire; Answer, Mr. Cardwell 1885
ARMY—CAMP AT HARWICH—Question, Colonel Learmonth; Answer, Sir Henry Storks 1886
ARMY—ARMY RESERVE FORCE—Question, Mr. Eykyn; Answer, Mr. Cardwell 1887
THE TRINITY HOUSE—DISMISSAL OF MR. BEAZELEY—Question, Mr. Eastwick; Answer, Mr. A. Peel 1887

Intoxicating Liquor (Licensing) Bill (*Lords*) [Bill 198]—
Bill *considered* in Committee [*Progress 23rd July*] 1888

Offences against Public Order.

Clause 14 (Penalty for keeping disorderly house).
Clause 15 (Penalty for permitting premises to be a brothel) .. 1909
Clause 16 (Penalty for harbouring constable) 1911
Clause 17 (Penalty for permitting gaming) 1912
Clause 18 (Power to exclude drunkards from licensed premises) .. 1912

Adulteration.

Clause 19 (Adulteration of intoxicating liquor) 1913
Clause 20 (Possession of adulterated liquor or deleterious ingredients) *agreed to.*
Clause 21 (Schedule of deleterious ingredients) 1917
Clause 22 (Analysis of intoxicating liquors) 1918
It being now ten minutes to seven of the clock, *Moved*, "That Progress be reported,"—(*Mr. Bruce.*)
Motion *agreed to*:—Committee report Progress; to sit again *To-morrow*, at Twelve of the clock.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—
JUDICIAL ORGANIZATION—REPORT OF THE JUDICIAL COMMITTEE—RESOLUTION—Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "the administration of the Law under the existing system is costly, dilatory, and inefficient; that a competent Commission having reported that the judicial organisation is defective in all its branches, it is desirable that Her Majesty's Government should, in the next Session of Parliament, present to this House a measure for its reform and reconstruction, which, without increasing the public charge, shall provide for the more effectual, speedy, and economical administration of justice,"—(*Mr. Vernon Harcourt,*)—instead thereof 1919
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House *divided;* Ayes 60, Noes 45; Majority 15.
Original Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

PARLIAMENT—BUSINESS OF THE HOUSE—SATURDAY SITTINGS—Withdrawal of Motion (*Mr. Rylands*:)—Short debate thereon 1951

COMMONS, SATURDAY, JULY 27.

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Intoxicating Liquor (Licensing) Bill (*Lords*) [Bill 198]—
Bill *considered* in Committee [*Progress 26th July*] 1954
Adulteration.
Clause 22 (Analysis of intoxicating liquors).
Closing Licensed Premises in case of Riot.
Clause 23 (Power of Justices to close licensed premises in case of riot) 1955
Clause 24 (Times of closing) 1956
After some time spent therein, Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

LORDS.

NEW PEER.

MONDAY, JULY 8, 1872.
The Right Honourable Sir John Young, baronet, created Baron Lisgar.

SAT FIRST.

FRIDAY, JULY 12, 1872.
The Lord Plunket, after the Death of his Uncle.

MONDAY, JULY 22.
The Viscount Clancarty, after the Death of his Father.

TUESDAY, JULY 23.
The Earl Waldegrave, after the Death of his Grandfather.

THURSDAY, JULY 25.
The Lord Gifford, after the Death of his Father.

REPRESENTATIVE PEER FOR IRELAND (*Writs and Returns.*)

FRIDAY, JUNE 21, 1872.
Earl of Wicklow, *v.* Lord Inchiquin, deceased.

COMMONS.

NEW WRITS ISSUED.

FRIDAY, JUNE 21, 1872.
For *Aberdeen City*, *v.* Lieutenant Colonel William Henry Sykes, deceased.

FRIDAY, JUNE 28.
For *the Southern Division of the West Riding of the County of York*, *v.* Viscount Milton, Chiltern Hundreds.

NEW MEMBERS SWORN.

FRIDAY, JUNE 28, 1872.
Bedford County—Francis Bassett, esquire.

TUESDAY, JULY 2.
Aberdeen City—John Farley Leith, esquire.

THURSDAY, JULY 11.
The West Riding of the County of York (Southern Division)—Walter Thomas William Spencer Stanhope, esquire.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Fourth Session of the *Twentieth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
Appointed to meet 10 December, 1868, and thence
continued till 6 February, 1872, in the Thirty-
Fifth Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, 21*st June*, 1872.

MINUTES.] — New Representative Peer — Earl of Wicklow, *v.* Lord Inchiquin, deceased.

Public Bills—*First Reading*—Sites for Places of Worship and Schools * (166); Inclosure Law Amendment * (169).

Second Reading—Limited Owners Improvements (154); Oyster and Mussel Fisheries Supplemental (No. 2) * (156); Drainage and Improvement of Lands (Ireland) Supplemental * (142); Elementary Education (Provisional Order Confirmation) * (148); Tramways (Ireland) Provisional Order Confirmation * (147); Tramways Provisional Orders Confirmation (No. 3) * (145); Tramways Provisional Orders Confirmation (No. 4) * (146).

Select Committee—Infant Life Protection * (118), *nominated.*

Committee—Union of Benefices Act Amendment * (140-167); Trusts of Benefices and Churches * (151).

Committee—Report—Bank of England (Election of Directors) * (144).

Report—Parliamentary and Municipal Elections (157-168).

Third Reading—Baptismal Fees * (160); Board of Trade Inquiries * (155), and *passed.*

ARMY REGULATION ACT—THE CIVIL POWER AND THE MILITARY FORCE.

QUESTION.

LORD PORTMAN said, that during the discussions on the recent measures for the re-organization of our military forces attention seemed to have been directed mainly, if not exclusively, to the protection of our shores against foreign invasion—on the other hand, little attention had been paid to the question how the military force was to be made available for the assistance of the Civil Power in the case of domestic disturbance. Now, many years ago, it had been his misfortune to have to assemble the Yeomanry under his command as Lord Lieutenant of the county of Somerset, with the view to their giving such assistance, and the recollection of that had induced him to look into the recent Act for the re-organization of the Army in order to find what rule was to guide the authorities in regard to calling out the Yeomanry; but he had been unable to find any such rule. It was with a view to elicit information on this important point that he had given Notice of the Question he was about to ask—namely, he begged to ask Her Majesty's Government? 1. What local authorities may now apply to the Secretary of State for any military force to aid the Civil Power; 2. By whom can the Yeomanry be called out to aid the Civil Power?

LORD EGERTON OF TATTON wished to ask the noble Marquess whether the magistrates were not the local authorities to act in such an emergency?

THE MARQUESS OF LANSDOWNE said, he thought that his noble Friend (Lord Portman) had done good service by raising this question in an Assembly the most capable of determining it. He begged to inform his noble Friend that the reason why there was omitted from the Army Regulation Act any arrangement as to the authority by whom application should be made for military force in aid of the Civil Power was that—with the exception of the Yeomanry—no change of the existing law had taken place. Before and since the recent legislation, the proper authority to make application to the Secretary of State for military in case of disturbances were the magistrates. He admitted that he could not refer to any statute for this authority, because the practice had not originated in any particular Act of Parliament, but had grown up gradually, and had been invariably acted upon. In 1717, a military force, by an Order in Council, was summoned to aid the Customs authorities in enforcing their decisions. Since then he believed that no similar Order in Council had been issued. Every subject of Her Majesty was bound to aid in the suppression of outrage and the preservation of peace and order, and from this obligation the forces of the Crown were not exempted. In the Queen's Regulations, No. 912, it was laid down that when a military force was so called out upon the requisition of the magistrates, they were bound to obey not only as ordinary subjects of Her Majesty, but as soldiers—that was, subject to military discipline and the Mutiny Act. In Sections 9 and 12 of the Queen's Regulations an opinion of Lord Ellenborough was quoted for the information and guidance of commanding officers when military forces were called out on occasions of emergency, and it was even laid down that under certain circumstances the military might act without the presence of a magistrate. The Army Pensioners were also liable to be called out in aid of the Civil Power as a military force. The Militia were only available as a military force when embodied; while the case of the Volunteers had been dealt with by a recent War Office Circular. With regard to the Yeomanry, by the 44 *Geo.* III., c. 54, sec. 23, it was provided that the Yeomanry might

> "Voluntarily march on being called upon, in pursuance of any order from the Lieutenant or Sheriff of the county, to act within the county or adjacent counties for the suppression of riots or tumults," and "shall in all such cases, from the time of so assembling, or marching, as aforesaid . . . . . be subject to military discipline, to the Mutiny Act and Articles of War."

The Act of last Session, which transferred this power, so far as the Lord Lieutenant was concerned, to the Secretary of State, left the power of the Sheriff untouched. The only change made by the legislation of last year was the transfer to the Secretary of State of the power hitherto exercised by Lord Lieutenants of counties; that, however, did not alter the statutory authority possessed by the Sheriff, who was the local authority, and who had still the power to call out the Yeomanry in aid of the Civil Power on occasions of sudden emergency. As a general rule for the guidance of the public, it might be laid down that the magistrates were the proper persons to apply to the Secretary of State, if there was time; or if not to the nearest commanding officer for the aid of a military force in suppressing disorder. He admitted that the various regulations might be somewhat confusing, but he believed that he had shown that there had been no important alterations made upon the subject, and that the existing law worked well. There were moreover strong objections to fresh legislation with regard to a subject which had always been dealt with very jealously, in consequence of a feeling that the forces of the Crown should be if possible used only in case of conflict with a foreign enemy, and not for police purposes, except under extreme pressure.

THE EARL OF CORK hoped that his noble Friend would pardon him for saying that he did not seem to have answered the Question put to him. The question was, by whom could the Yeomanry be called out in aid of the Civil Power. He himself believed that the law had been that the magistrates applied to the Lord Lieutenant, who, in his turn, applied to the Secretary of State; but, as the power over the Militia Force was now taken away from the Lord Lieutenant, it was desirable that they should know whether the magistrates were to apply directly to the military commandant of the district or to the Secretary of State. He thought that if the noble Marquess would consider the matter a little more, he would be able to give a more satisfactory answer to the Question that had been put to him.

The Marquess of LANSDOWNE: The proper authority to call out the Yeomanry in aid of the Civil Power is the Sheriff. The Act said the Lord Lieutenant or the Sheriff; but the Lord Lieutenant's power having been transferred to the Secretary of State, the only legal authority remaining to call out the Yeomanry was the Sheriff.

Lord PORTMAN asked to whom the local authorities were to apply to call out the Yeomanry—to the Secretary of State, or to the commanding officer of the district, or to the officer in command of the Yeomanry? His own opinion was that the application must be made to the Secretary of State.

The Marquess of LANSDOWNE: No authority, whether that of the general commanding the district, or the Lord Lieutenant, or the Secretary of State, could compel the Yeomanry to come out; they were volunteers and could elect whether they would come out or not. The hold that the War Office had upon the Yeomanry was this—that it was essential to their existence that they should receive certain allowances from the Executive Government, which allowances could be withdrawn. There was no instance, and probably would be none, of the Yeomanry refusing to act; but, as he had already said, they could not be compelled to act without their own concurrence.

The Earl of MALMESBURY thought the noble Marquess was in error. If individuals could be called upon to aid the Civil Power in an emergency, it could scarcely be supposed that an armed force like the Yeomanry would have any right of refusal.

Lord EGERTON of TATTON said, that in 1842, as commander of a Yeomanry corps, he was called upon by the general of the district to march his troops out of their own county of Cheshire into Lancashire in order to suppress disturbances that had broken out there.

The Marquess of BATH remarked that it was strange the Yeomanry could not be compelled to aid the Civil Power, seeing that when called out they were under the discipline of marshal law, and that penalties attached to them for breaches of that law.

Lord DENMAN believed that as the High Sheriff had precedence of the Lord Lieutenant and of everyone in his county, except the Judges on Circuit, that he would have the right of calling out the Yeomanry, and even the Volunteers—as Her Majesty's subjects, individually—in the case of any riots; and in the Bristol Riots the complaint of the Government was, that the authorities of that city did not promptly call to their aid the military power. In the case of a riot, every subject of Her Majesty was bound to aid the civil powers directly the Riot Act was read, and it was the duty of every magistrate to call to his aid any military force near him, and all Her Majesty's subjects who witnessed the riot.

The Duke of RICHMOND said, with all respect for the noble Marquess, he did not think that he had quite clearly answered the Question. What they wanted to know was, who was the authority to call out the Yeomanry. The noble Marquess said if they were called but did not choose to come, no one could say anything to it. It should be borne in mind, however, that by a recent regulation a fine was imposed on any man who having entered the Yeomanry should leave the force before the expiry of three years. Surely, if there was the power of inflicting a penalty upon a man for leaving the Force prematurely, there must be a power of inflicting some penalty on a man who being in the Force did not come out when called upon. If there was no such power, he thought there should be some legislation to confer it.

LIMITED OWNERS IMPROVEMENTS BILL—(No. 154.)

(*The Marquess of Salisbury.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE MARQUESS OF SALISBURY, in moving that the Bill be now read the second time, said, that its object was to enable limited owners to spend their own money on their own property. The larger number of the estates in this country were in strict settlement, so that the tenant in possession was only tenant for life. That was a system to which most of them were much attached; but among many advantages there were some disadvantages attached to that state of things, arising from the principle of law that if you spent money upon the freehold, or upon anything that was affixed to the freehold, the money could no longer be dealt with separately, but stuck to the freehold and went where the freehold went. The result was that if a limited owner spent money upon the freehold, that money would go to his successor — the limited owner could not get it back out of the freehold. At the present day, people were more anxious than they used to be to provide for their younger children, and there was frequently a struggle in a limited owner's mind as to whether he should save his money for the younger children or should invest it in the improvement of his estate. He (the Marquess of Salisbury) wanted by this Bill to enable them to do the best to improve the estate without taking the money from their younger children. He was well aware that many persons would solve this matter in a different manner by saying that these difficulties were occasioned by the law of entail, and that if entail prevented these improvements, why not abolish entail? He would not touch upon the political point of view of this question. Many persons attacked and many persons defended the doctrines of entail from political motives; but setting aside political considerations, he thought it could be shown that entail tended rather to the improvement of land than otherwise. The reason was this. Settlement prohibited two things—it was a prohibition against sale and a prohibition against mortgage. If the tendency of land being relieved from settlement would be that owners would sell half their land to improve the rest, then—however deeply he might deprecate such a proceeding upon political grounds—he must admit that there were certain cases where upon economical grounds there would be an advantage. Supposing it to be true that owners of land would take that course, no doubt the abolition of the law of settlement would tend to the improvement of land. But it was not true. The law of settlement, or the practice of settlement, had not been created by English law, but had been thrust upon it. The practice of people leaving large estates together with the hereditary tenure of land were dear to the hearts of the English people, and, therefore, he was quite certain of this—that if they abolished the practice of settlement what they would encourage would be not sales, but mortgages with all their consequent evils. Take the case of a man who felt himself embarrassed, or who wanted to spend money for unproductive purposes, or who had got "out at elbows;" the result in such a case would be that he would borrow. The abolition of the system of settlement would not set the land free in the market; but the result would be that land would be gradually more and more burdened with mortgages, until in the end we should want a Landed Estates Court for England. No one would dispute that the very worst thing that could happen to land would be that it should be under a general system of mortgage. They would then have a number of persons who had the burden of land upon them, but were utterly unable to discharge the duties attached to it. This difficulty, which he now proposed to deal with, had been felt by Parliament for some time, and many attempts had been made to apply a remedy. The mode that had been adopted had been upon this—that it should be permitted to burden land not with unproductive, but with productive mortgages, and to empower the owner to leave the money spent in improvements a charge upon his successor. But all these Acts had been only to some extent successful, because they were hampered with various difficulties. The first effort of the kind was the Public Drainage Act by which public money was to be lent for the purpose of general drainage. Another set of Acts enabled companies to lend money to limited owners who were anxious to improve, giving them power to charge the money upon their land. That was good in theory, and was productive, no doubt, of a certain amount of benefit; but if they loaded improvements of land with interest at 5 per cent, to be paid to the company, and with money also to be paid to directors, surveyors, and the staff of the office, the result would be that the profit vanished altogether, and many persons who tried to improve estates in this manner had found themselves burdened with the weight of an annuity quite out of proportion to the amount of benefit received. In 1864 Parliament made a further experiment in the direction of assisting limited owners, and passed an Act empowering such owners to expend their own money on improving their estate, having first obtained the approval of the Inclosure Commissioners, and to charge the estate with the money so expended. This was exactly the principle of the Bill which he now laid before their Lordships, only he was desirous to avoid the unnecessary complications that he thought had made those previous Acts almost inoperative. Under the Act of 1864 anyone wishing to spend his own money upon his own land must go to the Inclosure Commissioners and lay before them plans to be prepared by their surveyor, the approbation of the Commissioners being a necessary preliminary. The Commissioners were then to see that the work was properly done and the building carried out in accordance with the plans. The action of the Commissioners did not end there, for after that and during the whole life of the limited owner the Commissioners might send a surveyor down once a-year to see that the improvements were kept up. That was an amount of tutelage that very few landowners would submit to; and he believed that the Act had been mainly used by persons who were in the position of corporation sole, and had been used very little by ordinary owners of land. The object of these tiresome and irksome provisions was to protect the successor of the limited owner. He (the Marquess of Salisbury) would protect him in a more simple way. His proposition was that any limited person who desired to invest money in improvements of his estate, such as drainage and building (but not building upon his own house), should be enabled to do so; but he must deposit and register his improvements with the Commissioners; when he had done that he had nothing further to do. He might leave the value of these improvements to his younger children, or to whom else he liked. When the legatees claimed the value of the improvements the Commissioners would ask the successor to the estate if he disputed the claim; and if he did dispute it then there was provided a simple mode of trying the issue—that issue being whether the improvements at that moment had or had not added to the letting value of the land. For that and for that alone he proposed that the successor should be required to pay; so that he would pay for absolutely nothing which he did not receive. In this way a limited owner would be enabled to invest his money upon his own estate, and to obtain a better income for himself; and also to obtain a national object—that of the improvement of the land. There was already abundant machinery to enable limited owners to charge their estates for the value of improvements; but the difference was that his machinery was cheap and effective, whilst the other was unnecessary, cumbrous, and costly. There was, however, no difference in principle between the two systems. There was one thing that must have sometimes troubled all their Lordships, and that was the question of labourers' cottages. Good cottages for the labourers were in these days an improvement essential to every well-managed estate. But building cottages must always be, to some extent, a matter of charity, because—except in cases where they would command 3*s*. 6*d*. weekly rent, which in most parts of this country was a mythical rent—they did not pay a fair percentage on the cost. It was very hard that the whole of such cost should come out of the limited owner's pocket. The limited owner who now built cottages, in fact, paid part of the money spent to the labourer, part to his own successor, and retained very little of it for himself. It would be a considerable improvement if a limited owner could lay upon his successor a fair proportion of the cost of building cottages; and by this Bill the limited owner would be able to charge on the estate the value of such cottages in the same way as he would that of other buildings. It had been suggested to him that it would be well to extend the operation of the Bill to Ireland and Scotland. He could have no objection. No doubt, the Bill would be found capable of amendment in its details; but he believed that its principle would be of advantage in facilitating the improvement of land, and in divesting the present conditions of settlement in entail of some objections that were made to them.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Salisbury.*)

THE DUKE OF CLEVELAND rather doubted whether his noble Friend had not considerably overstated his case. He believed that limited owners availed themselves of the Act of 1864 to a very much larger extent than the noble Marquess seemed to suppose—large sums of money had unquestionably been raised under it. He apprehended that no one would be opposed to the principle of his noble Friend's Bill, but he regarded some of the details as open to objection. For instance, in its present shape it would have a retrospective operation. He doubted whether that was advisable, seeing that limited owners had been acting with a full knowledge of the existing law. Again, he thought that 50 years was too long a term for the repayment of the capital sum borrowed—under the Act of 1864 the limit was 30 years.

THE MARQUESS OF BATH said, he feared that if the Bill became law the effect would be to lead to a more general mortgaging of estates throughout the country. The noble Marquess (the Marquess of Salisbury) described the Bill as one to enable a man to spend his own money on his own estate; but it would better be described as a Bill for enabling a man to spend another person's money on his estate. At the present moment an owner of a limited estate could, by applying to the Commissioners, and having any improvement which he might make valued and certified, charge his estate with an annuity which would pay off in 30 years the money he had expended, and the interest on that money also. Now, according to his noble Friend's Bill, instead of a person having to apply to the Commissioners to certify and report on the improvements which he contemplated, and carrying them out to their satisfaction, before he could create a charge on his estate—under this Bill a limited owner might first spend the money, and then go to the Commissioners with an *ex parte* statement. The Commissioners had no means of inquiry into the desirability of the improvements made, or of ascertaining how the money had been laid out. Well, this person died, leaving his unsettled property to some other person than his successor. This person would be enabled to come forward and claim as part of the deceased's personalty, the charges he had created on his estate by his own *ex parte* statement, and on his own valuation, and the schedule lodged with the Commissioners, and unexamined by them would be proof. The successor was required to object to the claim within six months, and if he failed to do so, the provisional charge became absolute. Again, under this *ex parte* statement a successor might be charged with the cost of improvements which, if of any value at the time, were no longer of value when he succeeded, or which might even involve continuous outlay. In the case of drainage, it was well known that it required to be renewed after 20 years, and few buildings were in a good condition after 25 years. The noble Duke who had just spoken (the Duke of Cleveland), referred to the provision in the Bill by which the charge was to run for 50 years. The noble Marquess would, probably, however, reduce the term; nevertheless such a provision showed how loosely the Bill had been drawn up. He hoped their Lordships would pause before passing the Bill to remedy a grievance which he had not been able to discover to exist.

THE EARL OF AIRLIE thought that the noble Marquess who had just spoken (the Marquess of Bath) could not have read the 9th and other clauses of the Bill, or he would not have seen that under them an owner, coming into possession might have to pay for that which was of no value to his estate, for the clause enacted that—

> "The Commisssioners should determine what amount (if any) of addition to the letting value of the land comprised in the settlement is produced by the improvement; and if they determine that there is none, the provisional charge shall absolutely cease."

The noble Marquess said that the owner of a settled estate wishing to improve his land might now go to the Inclosure Commissioners and get their sanction to such improvements as he desired to make, and then borrow money from a company in order to execute them. That was quite true; but he himself (the Earl of Airlie) had had some experience of that mode of proceeding, and having tried it once he would never try it again. The expenses of one kind and another attending it were so great that after paying them there was but very little margin of profit left upon the improvements. This Bill provided a much simpler and better method of doing those things. When disputes arose as to the amount of value added to the estate by particular improvements, it was of great importance—especially in cases where the sum involved was small — that they should have a summary means of deciding such matters as expeditiously as possible. The Bill seemed to him a good one, and the objections to it to be for the most part such as could be best considered in Committee, rather than in a discussion on the principle of the measure.

Lord PORTMAN said, that as this was an important Bill not only as affecting tenants for life, but as affecting remaindermen, he would request the noble Marquess (the Marquess of Salisbury) to give them a long interval between the second reading and the Committee. Several points of the measure would require very careful consideration. One of those points referred to the power given to the tenant for life by the Bill to select any land under the settlement for the operations contemplated by the measure, and not as hitherto to confine the charge to the lands improved. Another related to the question of drainage. Under the present law something like £9,000,000 sterling had already been taken up and charged on the land for drainage. Draining was really a temporary improvement, requiring at the end of a certain number of years repairs costing almost as much as the original outlay. Moreover, draining was often experimental, and a great deal of money was thrown away which ought not to be charged on the successor. These and similar matters well deserved the noble Marquess's careful attention. He did not doubt, however, that the Bill might be ultimately moulded into shape; but great care must be taken to require a certificate of improved letting value when the improvement was made, as well as at the time when the charge was proposed to be made.

Lord REDESDALE said, he was unable to see how that Bill, if adopted, could work. How, he asked, was anyone to tell that the value of the estate had been increased by the outlay made upon it, unless he knew what the condition of the property was previously to the charge being put upon it? They would require to see the estate both before and after the improvement was executed, in order to judge what the improvement was worth. Moreover, the tenant for life, the person who sought to make the change, was not to be put to any expense in making the claim; but the person who was to succeed to the estate would have to go into an inquiry whether the charge on it was a fair one or not. He thought these were objections fatal to the proposal, and could not be got rid of in Committee.

Lord COLCHESTER said, he should support the Bill. The Report of the Agricultural Labour Commission of two years ago showed the importance of some legislation such as this, with a view to improve cottage accommodation, and he feared that if no new facilities were granted, such as this Bill proposed, a powerful weapon would be put into the hands of those who desired to upset the existing laws of settlement. The worst cases of defective cottage accommodation were not on estates such as most of those of their Lordships. They were either in the case of small freeholds or where cottages had been run up by speculators. But it was also found that on the smallest class of settled estates and limited estates the life tenant was unable to execute such improvements in cottage building as were necessary. He trusted the Bill would go into Committee, and pass in a shape which would produce the results anticipated.

The Duke of RICHMOND said, a measure of this kind was a step in the right direction. He thought that when money was laid out in real improvements, which rendered the estate more valuable than it was before, then, and only then, should the estate be held liable. He agreed, however, with the noble Duke (the Duke of Cleveland) that the term of 50 years was too long. As regarded the condition of farm buildings, this Bill was of great importance. The proposal was not novel, as a somewhat similar law existed in Scotland already, and, he believed, worked well. Believing that the measure would effect a decided change for the better, he should support his noble Friend's Motion for the second reading.

LORD DYNEVOR said, he had had practical experience in Wales of the evils of the existing law. He had been desirous of laying out some of his own money on an estate of which he was limited owner; but on consulting an experienced lawyer he had been informed that the expenses of proceeding under the existing law were so heavy, and the inconveniences so great, that he would inevitably lose money, and he had therefore desisted from any such injudicious proceeding. He was glad, therefore, that this state of things was to be altered by the Bill of the noble Marquess. He thought it was capable of some modifications, which might be done in Committee; and while believing it ought not to have a retrospective action, he anticipated great benefit from its future operation. He ventured to differ from the noble Lord opposite (Lord Portman) who spoke of drainage as a mere temporary improvement. If it were well done there could be no better investment from a landlord's point of view.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* the 8*th of July* next.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.—(Nos. 117-157.)

(*The Lord President.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 3 (Offences in respect of nomination papers, ballot papers, and ballot boxes).

THE MARQUESS OF RIPON moved an Amendment in page 4, line 4, after ("liable") insert—

("If he is a returning officer, or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person.")

Amendment *agreed to.*

Clause 16 (Hours of polling).

THE MARQUESS OF RIPON moved an Amendment in page 9, line 16, leave out from ("later than") inclusive, to the end of the clause and insert—

("Until the hour herein-after mentioned, and no longer; that is to say,

"(*a.*) If the poll takes place between the last day of March and the first day of October, until seven o'clock in the afternoon, and

"(*b.*) If the poll takes place between the last day of September and the first day of April, until five o'clock in the afternoon.")

The noble Marquess said that this alteration would not only extend the hours of polling without incurring the danger of carrying on elections in the dark, but would render the hours uniform in all boroughs and counties in the United Kingdom. At present borough elections in England and Scotland closed at 4, and in Ireland at 5, the latter being the hour in all counties.

THE EARL OF SHAFTESBURY said, he was ready to accept this modification of his proposal. It was not, indeed, all that he wished for, but he was thankful for small mercies.

Amendment *agreed to.*

THE EARL OF SHAFTESBURY said, he rose to propose again, with certain modifications, the clause which he brought forward in Committee, and which was then rejected. He had to-day presented a Petition in its favour from the highest order of working men, representing a large proportion of the great trades of the metropolis. He had modified the clause which their Lordships rejected on Monday night, and should propose that public-houses be closed on the day of polling from noon until the close of the poll, instead of from 8 o'clock in the morning till 8 o'clock in the evening, as the clause originally provided. The working men alleged that a vast amount of bribery was carried on in boroughs, and they were extremely anxious, therefore, that this clause should be introduced into the Bill. They also maintained that a number of people were smuggled into public-houses under various pretences, and kept there till the poll was closed. Now when the working men came forward to express a strong opinion on this subject he thought their representations were worthy of the very gravest consideration. Some of them had remarked to him that there was no Representative of their class in either House of Parliament; but he verily believed their Lordships would make this simple concession in deference to their feelings, in order to show them that their wishes were considered and their interests promoted in the House of Peers. The noble Earl concluded by moving the following clause:—

> "That on any day fixed for polling at any contested election for any borough or borough county in England or Wales after the passing of this Act, it shall not be lawful for any licensed victualler or person licensed to sell beer by retail to be drunk on the premises or not to be drunk on the premises, or any person licensed or authorized to sell any fermented or distilled liquors in any part of England or Wales, to open or keep open his house in any borough where a polling-place is situated for the sale of beer, wine, spirits, or any other fermented or distilled liquors between the hour of twelve of the clock at noon of such polling day and the close of the poll on the same day, except for refreshments to a bonâ fide traveller or a lodger therein."—(*The Earl of Shaftesbury.*)

The Earl of KIMBERLEY said, that the subject of the clause did not fairly come within the spirit and intention of the Bill, the avowed object of which was to amend the law relating to the procedure at Parliamentary elections—the matter was one which might more properly be dealt with in the Corrupt Practices Bill. But even admitting that it related to the present measure, the noble Earl's proposal was open to several objections. In London, for example, nothing occurred at contested elections, so far as he could discover, that would render it necessary to close public-houses during the hours of polling. Besides, on such occasions it would be unusually difficult to determine who was a *bonâ fide* traveller. Again, there were many country districts in which the population was exceedingly dense, and he could not see why the operation of the clause should not extend to such districts, instead of being confined to boroughs.

The Duke of RICHMOND said, he was unable to support the clause—which, moreover, certainly did not come within the proper scope of the Bill. There was one part of the country, with which he was acquainted, where the clause would produce great inconvenience. He alluded to the borough of Shoreham, where bribery had been found to prevail, so that 100 years ago it was extended into the Rape of Bramber—a district of some 30 square miles, commencing near Brighton and running westward to Worthing and Horsham. Now, if this clause was accepted, no public-house or refreshment-house could be kept open on the day of polling throughout this large district and throughout this day no man would be able to get a slice of bread and cheese and a pint of beer. This would be a great hardship upon *bonâ fide* travellers.

Lord CHELMSFORD said, the object of the Bill was to regulate proceedings at elections, and he was not aware that drinking was one of the proceedings at Parliamentary elections.

The Earl of SHAFTESBURY maintained that the subject properly belonged to the present measure, which was expressed to be designed to put down bribery and intimidation, and these were notoriously carried on to a great extent in public-houses. Even if the subject might be more fitly introduced into the Corrupt Practices Bill, they did not know whether that measure would ever be brought forward. He believed that this proposal was intimately connected with purity of election, both as regarded intimidation and bribery, and therefore he should take the sense of the House upon it.

On Question? Their Lordships *divided:*—Contents 15; Not-Contents 37: Majority 22.

Resolved in the *Negative.*

Clause 17 (Alterations for application of Part I. to Scotland).

The Marquess of RIPON moved an Amendment, page 10, line 8, after ("provided always") insert—

> ("That if any person shall be proposed as a candidate without his consent the person so proposing him shall be liable to defray his share of all these expenses in like manner as if he had been a candidate himself; provided also.")

And in line 11, after ("officer") leave out ("and") and insert ("shall not exceed two guineas per day, and the fee to be paid.")

Amendment *agreed to.*

Further Amendments made.

Bill to be read 3^a on *Tuesday* next; and to be *printed* as amended. (No. 168.)

COUNTY RATES.

MOTION FOR A RETURN.

Lord HENNIKER, in moving for a Return of sums expended in the various counties in England and Wales levied on the county rate during the year 1871, said, that the Return for which he now moved was similar to one he had moved for in the House of Commons in 1869 for that year. The Return was intended to show what proportion of the total expenditure in counties, in each county in England and Wales, was administered by the local authority under statute, and what proportion was expended over which they had entire control. This information had been found to be most useful on more than one occasion, in discussing schemes for the establishment of county financial boards, local taxation, and many other matters affecting management. A Bill would probably be introduced into the other House of Parliament to provide that certain Returns, including that which he desired, should be made annually; but as it was extremely unlikely that a measure of that kind could be passed that Session, and a large number of persons interested in county management were anxious to obtain the information in question, he hoped their Lordships would ask that it should be produced. In connection with this subject, he might be pardoned for adverting to the difficulty which was experienced in obtaining correct and accurate Returns. The Return for 1869 was not complete, and he was told, and he believed with truth, that there were no means of compelling those who prepared Returns to take any trouble about them, and—what was still more to the point, perhaps — no means of remunerating them for their trouble. This state of things required a remedy, for Returns were only misleading if they were not accurate and correct in every respect.

Motion *agreed to*.

Address for, Return of the sums expended in the various counties in England and Wales levied on the county rate during the year 1871, showing separately the total expenditure in each county and the portion of the above so spent under statute over which the local authority have no control and that over which they have an independent control; also the items of expenditure in each county under the last column: [Tabular Form].—(*The Lord Henniker.*)

INCLOSURE LAW AMENDMENT BILL [H.L.]

A Bill to amend the Law relating to Inclosures of Commons, and to provide for the management of Commons situate near Towns—Was *presented* by The Earl of MORLEY; read 1ª. (No. 169.)

House adjourned at a quarter before Eight o'clock, to Monday next, Eleven o'clock.

Lord Henniker

HOUSE OF COMMONS,

Friday, 21*st June*, 1872.

MINUTES.]—NEW WRIT ISSUED—*For* Aberdeen City, *v.* Lieutenant Colonel William Henry Sykes, deceased.

SUPPLY — *considered in Committee* — Committee —R.P.

PUBLIC BILLS—*Ordered—First Reading*—Tribunals of Commerce * [206]; Metropolitan Police Superannuation * [207].

Second Reading—Colonial Governors Pensions [176]; Bakehouses * [54], *put off*.

Committee—Mines (Coal) Regulation (*re-comm.*) [150]—R.P.

Committee—Report—Education (Scotland) (*re-comm.*)* [31-204]; Wildfowl Protection [46-205].

Committee—Report—Considered as amended—Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2) (*re-comm.*)* [124].

Considered as amended—Third Reading—Bishops Resignation Act (1869) Perpetuation* [137], and *passed*.

The House met at Two of the clock.

EDUCATION—INCREASED ALLOWANCE TO IRISH SCHOOL TEACHERS.

QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, If he can now state the decision of the Government respecting the increased allowance to the Irish School Teachers under the National Board of Education?

THE MARQUESS OF HARTINGTON, in reply, said, he was not yet in a position to make a complete statement as to the decision of the Government respecting increased allowances to the Irish school teachers under the National Board of Education, but he thought he might say that the question had made some progress since the hon. Baronet first put the Question. If not before, he hoped to be able to give a complete statement of the matter when the Vote for Irish Education came before the House.

PARLIAMENT — MORNING SITTINGS — RIGHTS OF PRIVATE MEMBERS.

QUESTION.

MR. NEWDEGATE said, that he would recall to the recollection of the Speaker that, at the termination of the Business of the House that morning, he had moved that the second reading of the Monastic and Conventual Institutions Bill be postponed from the Orders for that Day (Friday), till the House should meet at 2 P.M. on Tuesday next; but that, on a division, it was found that there was not present Members enough to constitute a House. His Motion, therefore, for the postponement of the Bill till 2 P.M. on Tuesday next, stood recorded upon the Votes and Proceedings of the House. He had not made that Motion inconsiderately, but, after consultation with several of the senior Members of the House, for the purpose of raising the following Question, which he desired to put to the Speaker:—Whether there exists any Standing Order or Resolution of the House, or any ruling or decision of any Speaker in the House, whereby a Member, not connected with Her Majesty's Ministry, was precluded from placing any Bill, of which he might be in charge, as the First Order for consideration when the House may meet at 2 P.M. on Tuesday, or to put the same question in other words, using the familiar phraseology of the House—whether an independent Member can appoint any stage of a Bill of which he may be in charge as the First Order of the Day for consideration, when the House meets at 2 P.M. on a Tuesday?

Mr. SPEAKER: The hon. Member having been good enough to give me Notice of the Question, I have thought it my duty to look into the matter, and I do not know that I can do better than quote the decision given by the Speaker on the 26th of June, 1851. The point now submitted by the hon. Member was raised on the 24th of June, 1851, and again on the 26th, when the Speaker made use of these words—

> "The practice of the House—for no rule existed on the subject—had always been, since he had the honour of sitting in that Chair, that at the morning sittings the Government Bills took precedence over other Bills; but other hon. Members were not precluded from putting down their own Bills for the morning sittings, and if they were put down, they would come on in the regular order, after the Government Bills, if there were any."—[3 *Hansard*, cxvii., 1254.]

There has been no departure from that ruling, nor could any departure from such ruling be sanctioned without the express authority of the House itself.

EDUCATION (SCOTLAND) [*re-committed*] BILL.—[Bill 31.]—COMMITTEE.

(*The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.*)

Bill *considered* in Committee.

(In the Committee.)

Colonel BARTTELOT said, he wished to call attention to an occurrence which took place on the previous evening. On postponed Clause 2 being put from the Chair, it was declared to be negatived; yet at a later period of the evening the Lord Advocate endeavoured to get the Committee to pass a similar clause, with an alteration of one or two words; acquitting the Lord Advocate of any intention of obtaining an undue advantage, he thought such a course deserve condemnation, as reflecting discredit on the proceedings of the House.

Mr. ORR EWING said, he presumed that what the Lord Advocate intended to do last night was to negative the 3rd, and not the 2nd clause; but as the 2nd clause was rejected, he kept the 3rd clause in the Bill, which was not required if the new clause the learned Lord Advocate proposed were inserted. He (Mr. Orr Ewing) wished to know whether he really proposed to keep both clauses in the Bill? If he did so, there would be two sets of officials to do the same work, and he feared that the management of Scotch education, which had hitherto cost nothing, would in the hands of Education Departments, local treasurers, and collectors, and pedagogues to hunt up absentees, prove very expensive.

Mr. MELLOR said, he also felt anxious about the question of expenditure, and he begged to ask the Lord Advocate whether the people of Scotland were to bear the expenditure of establishing the whole of the machinery which would be rendered necessary by the provisions of this Bill, or whether the people of England were to be called upon to pay a share towards the education of the people of Scotland?

The LORD ADVOCATE said, the organizing Commissioners appointed by the new clause of which the Committee approved last night, were to hold office temporarily—that was to say, for three years, with power to extend the period of five years if found necessary. While they were in office, they would be substantially the only officers in Scotland, of course, with the exception of their secretary, clerk, office-keeper, or other person who might be required for the proper discharge of their duties. It was not contemplated to have anything of the nature of a permanent establishment in Scotland; but, while there were not to be two establishments, it would be necessary to have officers in Scotland after the temporary Commission had concluded its labours; and that was the reason why both clauses were to be retained. Clause 2 last night was negatived on account of an error of his own; and as it was only discovered on the instant, it could not be remedied, and the most easy course, he was informed, was that the clause should be negatived, and a new one introduced. He hoped that explanation would be satisfactory. As to the question of the hon. Member (Mr. Mellor), regarding the expenses connected with the administration of the Scotch Education Act, all he could say was that we were a united kingdom, and the people of Scotland would be taxed fairly, according to their ability, to contribute to the defraying of the expenses of the United Kingdom. Since the English Act was passed the people of Scotland had paid their share of the expenses of working that Act, and he supposed it would not be deemed any hardship if the people of England were called upon to pay their share of the expenses of working the Scotch Education Act.

Sir JAMES ELPHINSTONE was exceedingly happy to find that the Lord Advocate had at last discovered that Scotland was a part of the United Kingdom, and that when expenses were laid upon the taxpayers of this country, those Members who were Scotchmen by birth, though not favoured with the confidence of constituencies of their own, had a perfect right, on behalf of their English constituencies, to raise their voice when such an enormous outlay was proposed as there was under the Bill. He would also remind the Prime Minister that there was a minority in Scotland as well as a majority, and that minority embraced within its ranks the greater part of the property—and certainly the majority of the intelligence of Scotland. As the taxpayers of England, it was now admitted, had a right to a say in this matter, he wanted to know what where to be the expenses of the Commission? Was it to be a Commission stationed in Scotland? Would it embrace within its numbers persons in whom the people of Scotland could have confidence, and not a political Commission? Would it represent the great sections into which the Presbyterian Church was divided, or would it be merely a Commission formed of the "creatures" of the Lord Advocate, who would sit in Edinburgh, draw their salaries, and have very little to do, being, in fact, paid for doing what was formerly done free of expense?

Mr. M'LAREN thought the 3rd clause must have been retained by mistake. It was understood to be withdrawn, and a new one substituted for it. The new clause, forming the Commission, was introduced and approved of; but the 3rd clause was still retained in the Bill, and he hoped it would be taken out on the Report.

Mr. ELLICE said, he took the same view as the hon. Member for Edinburgh. He understood that the arrangement which was made was that a new clause was to be substituted for Clause 3, to which objections had been raised. That new clause had been introduced and adopted; yet the objectionable Clause 3 still remained in the Bill. As to the Scotch Education Department, he joined in the expression of opinion by the hon. and gallant Baronet (Sir James Elphinstone) that the Government would give some idea of what that Department was to be. He did not make a request for the publication of the names of the Commission at present, because it would only create jealousy; but it was important that they should know what the constitution of the Scotch Department was to be.

Mr. W. E. FORSTER said, he wished to recall the House to the fact that the question before them was not whether Clause 3 was to be retained in the Bill, but whether they were to re-commit the Bill for the purpose of inserting a clause which was accidentally negatived last night. With regard to Clause 3, however, the Lord Advocate, not being able according to the Rules of the House to speak again, desired him to say that between this and the time of the Report he would consider whether the 2nd clause being again inserted in the Bill, it would be necessary to retain Clause 3. The hon. Member for St. Andrews (Mr. Ellice) had asked for further information respecting the Scotch Education Department. It had been said that the Department would have nothing to do while the Commissioners were sitting; but that was not correct, for it would have to see to the distribution in Scotland of that part of the Imperial money to which Scotland was entitled, and to take care that the conditions on which that money was received were fulfilled, and of course it would be paid for doing that work. With regard to the character of the Department, he must refer hon. Gentlemen to the explanations already given in the course of these discussions. The Scotch Department would be similar to the English Education Department, which was constituted in this way—there were the Lord President of the Council and the Vice President, who had to deal with the administrative work, and were responsible to the House of Commons for the management of educational matters; these were assisted, and, in point of fact, would be controlled, by a Committee of the Council for Education, a new Committee being appointed whenever a change of Ministry took place. That Committee would be carefully selected as regarded Scotland, and the belief was that it would be for the advantage of Imperial as well as Scotch interests that the administration of education in Scotland, so far as Parliament had to do with it, should be entrusted to the Lord President and the Vice President, as now the case in England, with the assistance of a Special Committee of Council for Scotland. [*Cries of* "Names!"] He did not think they ought to be called upon to give the names, and certainly they could not pledge a future Administration in the matter, for the Committee changed from Government to Government. But this he would say, that there ought to be appointed a Committee of Council, which should contain a fair and influential representation of Scotch views and feelings.

MR. MACFIE thought that the explanations which the right hon. Gentleman had just given would hardly realize the just expectations of the people of the North. He trusted, however, that the Committee would be so constituted in respect of Members with ecclesiastical leanings and persons possessing acquaintance with Scotch educational matters that all the apprehensions hitherto entertained would disappear under its satisfactory working. It was remarked by the Lord Advocate that we were an United Kingdom. So we were, but there were some Scotch matters which Scotland wished to see regulated in accordance with Scotch feeling. There were five important divisions on this Bill, in which a very large numerical majority of the Scotch Members had been out-voted on the most vital points of the measure by the English Members. He was not a Home Ruler, but he must say that such a result could hardly conciliate Scotch feeling.

Motion *agreed to.*

New Clause *agreed to.*

Bill *reported;* as amended, to be considered upon *Tuesday* next, at Two of the clock, and to be *printed.* [Bill 204.]

MINES (COAL) REGULATION (*re-committed*) BILL—[BILL 150.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed, "That the Preamble be postponed."

MR. STAVELEY HILL said, he wished to receive some explanations from the right hon. Gentleman the Home Secretary before proceeding further with the Bill. When the Bill was brought forward in 1870, the Amendments suggested by the Mines Association stood in his (Mr. S. Hill's) name on the Paper. Those Amendments embodied arrangements of existing differences between masters and men which had been come to at a meeting under the presidency of the noble Lord the Member for Haddingtonshire. In 1870 the Bill was dropped, and in 1871 there was a similar result. In the present Session, when the Bill was about to be brought forward, it was thought advisable that all the difficulties likely to arise should be thoroughly considered by the three parties most interested, with a view to see how far those difficulties could be removed, so that the measure proposed might have the full assent of the House, and might not take up time unduly in its discussion. Accordingly, a Conference of the coal-masters, represented by the Mines Association, and of the men represented by Mr. Macdonald, was held at the Westminster Palace Hotel, and the Home

Office was represented there by the Mines Inspectors, Mr. Dickinson and Mr. Wynne. These representatives of the three interests concerned held meetings for five days under the presidency of the noble Lord the Member for Haddingtonshire; every question that arose was fully discussed, and at last an agreement was come to on all points, with one or two minor exceptions. The Report on the subject was very fully considered, and finally delivered at the Home Office on the 23rd of March. It was not without some surprise, therefore, that he saw, when the Bill was again printed, that on some of the most vital points the original measure remained unchanged, and that the Home Secretary had not adopted the agreements come to between masters and men upon full consideration. The points to which attention had been especially called were those with reference to certificated managers and certain general rules. Clause 15 of the Bill referred to wages, and might be called the wages clause. When matters were discussed between the masters and men there was a Master and Servant Bill before the House, and it was agreed that the 15th clause should remain in the Bill, lest anything should happen to the Master and Servant Bill; but if that Bill was to be proceeded with, then that this 15th clause might be struck out. He thought that some explanations on the points to which he had adverted ought to be given by the Home Secretary before proceeding further.

Mr. PEASE expressed a hope that the Home Secretary would not delegate his authority to any body of men. Whatever might be the opinion of the Coal Owners Association, he could state from personal communication with the miners, that many of the Amendments were not in accordance with their wishes.

Mr. BRUCE said, that he had nothing to complain of in the statement of his hon. and learned Friend, except that he had somewhat overrated the authority given to the Inspectors. They were certainly not ordered to attend, but a request having been made that they might attend the deliberations of the Conference, he was perfectly willing that they should. When the Amendments were brought before him, he carefully guarded himself against saying anything further than that he would give them his best consideration, and his hon. and learned Friend could not allege it as a grievance that he had not done so, seeing that he had adopted about 15 of them. The question of wages was a very important one, and could not be properly discussed in this Bill. He hoped the Committee would resist any alteration in the law until the whole question could be discussed, whether this Session or next year, and he believed that both labourers and employers would be unwilling to see any alteration in the law till that question had been far more fully discussed than it could possibly be in this Bill.

Lord ELCHO said, he had no desire to claim greater authority for the Conference than it really deserved, or to override the functions of the House; but there was in that Conference a very full representation of masters and men; these Amendments had been most fully and carefully considered, with an earnest desire to come to a settlement upon them; and, therefore, they came before the Committee at least with a *primâ facie* case in their favour.

Motion *agreed to;* Preamble *postponed* accordingly.

Preliminary.

Clause 1 *agreed to.*

Clause 2 (Commencement of Act).

Mr. BRUEN moved, in page 1, line 11, after "operation" to insert "in England and Scotland;" and in line 12, after "seventy-three," to insert "and in Ireland not until the first day of January, one thousand eight hundred and seventy-four." The object of the Amendment was to postpone the operation of the Act in Ireland until the 1st of January, 1874.

Mr. BRUCE said, he would admit that there was a fair ground for postponement in the case of Ireland, but thought that the postponement should be for a year only, instead of two.

Mr. BOUVERIE asked whether there was to be any provision for the inspection of coal mines in Ireland? He believed there were no inflammable coal mines in Ireland, whatever other inflammable materials might be found there.

Mr. BRUCE said, that only one-fifth of the accidents which happened in coal mines were caused by explosions; four-fifths resulted from other accidents caused by the want of proper overlooking and discipline; and it was to provide for such cases that many new provisions were introduced into the Bill. Hitherto, Ireland had not been included in these Acts; but the Government had received communications which satisfied them that Ireland should now be included. The work of inspection would be very light there; but ample employment would be found for one Inspector. He would move to amend the Amendment by inserting 1874, instead of 1875.

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 *agreed to.*

PART I.

Employment of Women, Young Persons, and Children.

Clause 4 (Employment of women and children in mines).

MR. WHEELHOUSE, in moving as an Amendment in page 1, line 18, after "boy," to insert "save as excepted by section eleven of this Act," said, there was an earnest desire on the part of every miner in England that female labour should be prohibited on the "bank-top" as well as under-ground. He was aware that a contrary opinion had been expressed by a Select Committee; but in Lancashire, Yorkshire, and Durham the general custom was not to employ women in coal-mining, even above ground, and much demoralization would be prevented if there was a statutory prohibition of such employment all over the kingdom. He was aware that the question of wages was mixed up with such a prohibition; but he hoped that the Committee would not allow the question of wages to influence them when decency and morality were at stake, and when women by this employment were withdrawn from the care of their families and from home associations.

MR. ASSHETON CROSS said, the Committee must be careful not to allow the arguments of a specious philanthropy to lead them from the regions of common sense, or they would be really doing an injury to the very persons they desired to serve. To say that labour outside the pits was unadvisable for women was one thing; absolutely to prohibit it was quite another; and he certainly hoped that the Committee would not accept the Amendment. It had been advocated by the hon. and learned Gentleman on three grounds—that female labour at the pit's mouth was indecent, that it withdrew them from their home duties, and that they themselves wished to have it done away with. He must first of all protest against the statement that this question had not been thoroughly considered by the Select Committee. In fact, a great number of working miners were called before it; and though many of them objected to this employment of women, as leading to indecency and immorality, many others were of the contrary opinion, and evinced the greatest dislike to its being prohibited by law. The evidence of the Inspectors of Mines was, that it would be a great hardship to these women to prevent their labouring as hitherto, that it would deprive them of many comforts, that they were as moral a sort of women as any in the kingdom, and that the work was free from indecency. No doubt, working at the pit's mouth interfered with their home duties and associations; but as much might be said of any form of female labour, whether outside mines or inside factories, and he thought, therefore, that the Committee should be careful how they interfered in the matter.

MR. BROWN stated that it appeared from the Report of the Miners' Commission that the practice of employing females was degrading to the sex, and led to gross immorality. It would be desirable, therefore, not to prohibit absolutely females labouring at the pit's bank, but to enact that none under a certain age should do so, because the chief danger of moral contamination would be removed if young girls were kept away.

MR. BRUEN said, that there was none of the immorality which had been alluded to observable at the mines in Ireland, and the prevention of the employment of women there would be a great hardship.

MR. MUNDELLA said, that the measure could hardly deserve to be called a "Mines Regulation Bill" at all, if this question of the labour of women was not to be dealt with. From actual observation, and from the universal testimony of those best fitted to speak with authority, he was bound to say that this employment of women was degrading and disgraceful to the nation. Something at least might be done to the same purpose as the enactment of last year in the case of the brickfields, which prohibited in future young women under a certain age from working in them. By that means no injustice could be done to those now engaged in the work; and the Committee might be sure that if a woman did not begin this sort of employment before 18 years of age she would never begin it at all. No sight could be more degrading than to see women in attire almost like that of men, with coalheavers' hats on their heads, smoking pipes with the men, drinking with them in the public-houses, and, he was told, sometimes fighting with them afterwards in the streets. It might be said that women were as free as men to enter into contracts; but though that was all very well in theory, the fact was, that they were sent as girls to this work by their parents, and were not free agents till they were about 18 years old, and then only till marriage; for a woman in that class was very much the slave of her husband—was his horse, his ass, his anything. The House ought to interfere in the interests of the women themselves, of their children, and of public decency and morality; and he should certainly support his hon. Friend if he went to a division, though he would suggest that the Amendment should not now be pressed; but that words should be moved in a later clause, prohibiting the employmen at the pit's mouth of women under a certain age.

Mr. STAVELEY HILL said, he had lived in South Staffordshire for many years and was well acquainted with the work referred to, and with the class of persons engaged in it, and from his own experience he could say that no young women of a better class, more straightforward in their manner, more respectable, or whose dress was more thoroughly becoming to them, could be found engaged in any other employment in the kingdom. He must therefore express his surprise at the language of the hon. Member for Sheffield (Mr. Mundella).

Mr. FLETCHER said, he hoped that the Committee would not be misled by the eloquence of the hon. and learned Member who had moved the Amendment, because, although he quite agreed that in some parts of Wales and of South Staffordshire women were to be found employed on the "bank-top" who were not properly dressed, still, in Cumberland, where a large number of women were engaged in this industry, that was not the case. The work of sorting out the refuse from the coal was neither hard nor degrading, and it was performed under cover. The women who picked out this refuse were better adapted to the work than men were, and they earned 9*s.* a-week by their labour. If the Amendment were adopted, a large number of deserving women would be deprived of the means of support which was now open to them.

Mr. HUSSEY VIVIAN, who had been one of the Select Committee appointed to investigate this subject, in opposition to the statement of the hon. and learned Member for Leeds, said, that the Committee had examined a great number of working miners before coming to a conclusion on this matter.

Mr. T. HUGHES said, that the evidence of the working miners examined by the Committee did not bear upon the point now under discussion.

Mr. HUSSEY VIVIAN proceeded to remark that the Committee had done their best to obtain the fullest information on the subject, and they had made a most conscientious Report. The question of the employment of women had engaged his attention for many years, and he had done his best to prevent them being employed on work for which they were not fitted; still he thought much hardship would be inflicted were Parliament to lay down the hard-and-fast law that no women were to be employed on collieries, even above ground.

Sir ROBERT ANSTRUTHER said, that the Committee ought to feel obliged to the hon. and learned Member for Leeds for having brought this question under their notice, because he believed that all that had been said about the demoralizing effect of this description of labour upon women was perfectly true. He thought, however, that the suggestion of the hon. Member for Sheffield (Mr. Mundella) should be accepted—namely, that no girls or women under a certain age should be employed in this sort of labour; for upon them it undoubtedly had a demoralizing effect. If the Amendment was now pressed, and in its present form, he was afraid that the object of those who favoured it would be defeated; and he thought it would be far better to move in the 3rd sub-section of the 11th clause words providing that women under 20 years of age should not be employed at the pit's mouth.

MR. BRUCE said, he agreed with the last speaker that considerable inconvenience would result from discussing this Amendment on the earlier clauses of the Bill, when it could be much more appropriately debated on Clause 11. He, however, felt bound to state, at the same time, that he was entirely opposed to carrying much further the interference with women's labour. It might be quite true that in some places this description of labour was of a demoralizing character, but, at the same time, he did not think that it was as demoralizing as many other descriptions of female labour. The best course that could be adopted, in his view of the matter, was to leave the employment of women to be regulated by the improved feelings of our countrymen. It had been shown that in certain districts women were less employed in this sort of labour than in others, and that might, perhaps, arise from a higher sense of duty on the subject in those districts, though he believed the chief cause was that it happened that other descriptions of employment could be had by the women there.

COLONEL WILSON-PATTEN said, he hoped that, as the Amendment had already been discussed at considerable length, it would not be withdrawn, but that its principle would be at once determined by the Committee.

MR. T. HUGHES said, he thought it absurd to object to the Amendment as an interference with freedom of compact, for the clause as it stood interfered with it as regarded labour below ground. Eye witnesses reported that this labour was very degrading, and his own limited observation led him to agree with them. He should like to hear the evidence of a working miner on this point.

MR. HENLEY said, he regarded the Amendment as too vague. The kinds of labour to be prohibited should be defined, or otherwise the prohibition might apply to lighting fires and cooking dinners.

MR. JACOB BRIGHT said, that the hon. and learned Member for Frome (Mr. T. Hughes) was anxious to hear the opinion of a working man on this point; but why did he not consult the women whose employment was proposed to be taken away? He (Mr. Bright) hoped the Government would be firm on this question. He deprecated legislation which, at a time when women were properly seeking new fields of employment, would render it more difficult for them to earn a living. There might, perhaps, be sufficient reason for prohibiting women from working below, but he had heard no sufficient reason for extending prohibition to labour above ground.

SIR JOSEPH BAILEY also opposed the Amendment, on the ground that there was a variety of light labour which devolved on women and boys. He would be no party to taking the bread out of the mouths of these poor women. By adopting the Amendment there would arise the necessity of doubling the population in the mining districts, and that would be the cause of great economical troubles.

MR. J. S. HARDY said, he hoped the Amendment would be withdrawn; but if that was not allowed, he should vote for it, preferring total prohibition to the present demoralizing state of things. Parliament had interfered with many trades in which women were only too anxious to be employed, and when attempts were made to shorten the hours of labour of dressmakers, the hon. Member for Manchester (Mr. Jacob Bright), who now came forward as the champion of women, never raised his voice, while he and his friends also opposed the Factory Acts.

MR. FOTHERGILL said, he must protest against the idea that any woman who wore soiled clothes must necessarily be immoral. So far as his experience went, immorality was principally confined to women who wore smart clothes. He had lived in a mining district all his life, and he had no hesitation in saying that the wives and daughters of colliers and miners were as well able to take care of themselves and their honour as any other class of women in the country. It was said that they wore men's clothes, but the fact was that, as a matter of propriety, their trousers were lengthened to their ankles, and occasionally they put on a man's coat to protect them against the rain.

LORD ELCHO, when in communication a few years ago with working miners, said, he found that they had a picture of a woman dressed as had been described; but though they raised this point it did not appear to be one on which they laid stress. Mr. Dickinson, the Colliery Inspector, having seen nearly all the women in his district, had reported that they unanimously wished to be let alone.

Mr. CHILDERS said, he hoped leave would be given to postpone the Amendment until the clauses relating to work above ground were reached, otherwise the question would have to be discussed again, while the present clauses related exclusively to work underground.

Mr. AUBERON HERBERT said, he agreed with the hon. Member for Manchester (Mr. Jacob Bright). Considering the enormous number of women employed in various ways, he was convinced that in order to protect themselves they must form combinations like men, and arrange matters for themselves. They would never be in a satisfactory condition until they attained the independent position which workmen had already reached.

Mr. LIDDELL said, he wished to leave husbands and wives in an independent position, and should therefore vote against the Amendment. It was undesirable that women should be employed in such ways; but instead of laying down a hard law, it was better to trust the matter to the growing feeling of the times, and leave women free to accept or reject. He understood that during the last few years the views of working miners on this point had been somewhat modified.

Mr. RICHARD said, the most conclusive evidence of the feeling of the colliers themselves in reference to the question was evidenced by the fact that representatives of the miners of England, Scotland, and Wales met some time ago at Manchester, and passed a resolution to the effect that they viewed with abhorrence the employment of women in mines. That meeting expressed an earnest hope that the Government would bring in a measure to prevent any female being employed in a mine.

Amendment *negatived.*

Mr. PEASE moved as an Amendment in line 18, page 1, to strike out "ten" for the purpose of inserting "twelve." His Amendment, he said, would exclude all boys below 12 years of age from going under ground, and its effect would be to keep boys at school for two years longer than the Bill proposed. That additional schooling would render boys ten times more valuable than they would be if they were allowed to be employed under ground at 10 years of age, for it was well known that the labour of boys at that age was practically worthless in comparison with the greater age. In the mining district which he represented it had been the practice not to employ in mines boys who were under 12 years of age, and anyone acquainted with the subject would know the reasonableness of that practice. If the Committee had any regard for the mining population, they ought to take care that boys under 12 should not be employed in mines by adopting the Amendment proposed.

Amendment proposed, in page 1, line 18, to leave out the word "ten," in order to insert the word "twelve."—(*Mr. Pease.*)

Mr. F. S. POWELL said, it would be necessary for the economical working of thin-seam, mines with which he was acquainted, that boys between the ages of 10 and 12 should be employed. He would not sanction the working of any mine which would be injurious to human life; but in the seams to which he referred there was an absence of deleterious matter, and the coal which was obtained from them was particularly well adapted for the production of the very best iron for which England was famous. Moreover, the opinion of the men themselves was in favour of this employment of the boys, and in 1870 two Petitions, signed by nearly 3,000 of them, were presented to the House to that effect. In fact, both masters and men were agreed on the subject.

Mr. OSBORNE MORGAN supported the Amendment, on the ground that a boy between the age of 10 and 12 would not have strength enough for the work, and that the boy was anything but a voluntary agent in the matter.

Sir ROBERT ANSTRUTHER said, that if a boy was to be prevented from working under ground in a thick-seam mine, much more ought he to be prevented in a thin-seam mine. The men knew what was good or bad for their children; they were the persons who would suffer if their children were not to be employed, and if they were willing to make the pecuniary sacrifices which would be entailed on them from the non-employment of their children, it was not for the House of Commons to prevent them. Now, the 40th resolution of the Conference was to the effect, that children under 10 should be prevented from entering the mines for purposes of employment.

LORD FREDERICK CAVENDISH opposed the Amendment. In most points to which the clause applied, parents were unanimous in favour of it as it stood. He had himself presented numerous Petitions from the neighbourhood of Halifax—and the men, almost everyone of them—had petitioned in favour of the clause, for the simple reason that the thin-seam collieries could not be worked without employing those boys. The evidence of that most experienced Inspector, Mr. Dickinson, before the Mines Committee was also to that effect. It was said that the thin-seam colliery was the most dangerous to the child. He believed the contrary to be the case, because the distances were comparatively short, and the loads light.

MR. FOTHERGILL said, he did not see why the Argument of the noble Lord would not apply equally to a boy of eight. It was a question of strength, and until a boy was 12 years old he had not the requisite strength for this work. A boy of 12 ought also to have laid a good foundation in learning; he ought to have acquired at least "the three R's." He believed that many hon. Members, if they spoke candidly, would say that they acquired pretty nearly all they knew by the time they were 12; at all events, they laid the foundation of what they knew before that age. He should support the Amendment, believing it better to prevent boys from going into a mine at all until they were 12 years old, and had received a good education.

MR. BROWN said, he wished to point out that the clause as it stood would add materially to the number of accidents by falls in the shafts, because it would double the number of boys going up and down these mines. It was very difficult to make this legislation fit into the half-time system, and he would quote the opinion of the Committee of 1867, who recommended that no boys should be employed in coal mines under the age of 12.

MR. RICHARD said, he should also support the Amendment, and in doing so represented the view of the great body of miners employed in his district, who were ready to relinquish the wages of their children up to the age of 12, in order that they might have the benefit of a good education. He maintained—from a letter he had received from an intelligent minister, who had visited many coal mines, and who said he abhorred the idea of employing boys of 10 under-ground—that this early labour stunted their physical growth, blunted their moral perceptions, and did more than anything else to demoralize the mining population.

MR. BRUCE said, the discussion showed the extreme difficulty and perplexity of the question. The Select Committee proposed that in all cases the age of children employed in mines should be 12 years, and, feeling the difficulty with regard to education, they made no recommendation on that subject. The Bill was framed in accordance with the Report of the Committee, and in 1870 complaint was made, on the one hand, that no means of education were afforded to children, and on the other hand that children in certain cases would be deprived of a very lucrative employment. Meanwhile, deputations waited on him from Yorkshire and Lancashire, representing both masters and workmen, and he found that the feelings of the working population engaged in the thin-seam mines were entirely in favour of the employment there of children between the ages of 10 and 12. He knew that too much weight must not be attached to the selfish interests of parents; but he had made inquiry from the Inspectors as to the effect of employment in these mines upon the health and education of children, and could assure the Committee that the Reports he received were by no means unfavourable to such employment. It was difficult to apply one hard-and-fast line to various kinds of mining labour, and he came at last to the conclusion that it would be a fair compromise to exclude children under 12 from employment under-ground among nineteen-twentieths of the mining population, allowing such employment among the remainder as provided in the Bill. He was aware that the miners generally were in favour of the limit of 12 years. But surely the parents mainly to be consulted were those whose children would be allowed to work under this Bill? They comprised only one-twentieth of the mining population, and were in favour of the lower limit; but ample security was given that younger children should have a sufficient amount of education. Both employers and men, he believed, were, on the whole, satisfied with the Bill as it stood, and he hoped the Committee would make no change in the clause.

Mr. RYLANDS supported the Amendment. In the greatest portion of the mining districts children under 12 years of age would not be employed; but in certain small portions of the coal districts the clause would give power to the Home Secretary to authorize the employment of children between the ages of 10 and 12. The right hon. Gentleman had talked about a hard-and-fast line, but there was a hard-and-fast line imposed by nature. Whatever might be done with regard to its mental education, a child of 10 could not be taken and put into a coal mine without sustaining physical injury. He hoped the House would support the Amendment of his hon. Friend.

Mr. GATHORNE HARDY said, he spoke with reluctance upon a matter in which he had some personal interest; but when hon. Members declared that the employment of children in the thin-seam mines tended to their physical and moral injury he thought that some proof should be furnished of the truth of such a statement. Hon. Gentlemen should remember that children were now employed between the ages of 10 and 12, and he asserted that as regarded the thin-seam mines these children were as well-developed, mentally and physically, as those in any other parts of the country. He said so as the result of inquiry, and not of personal observation; but no interest in the world would lead him to support the employment of children between 10 and 12 in these mines if he thought that he was thereby preventing their physical and moral development. If they were not so employed, it was supposed that they would remain at school till they were 12 years old; but in the West Riding, where the thin-seam mines were situated, the whole country was dotted over with manufactories, and if the children did not go into the collieries at 10, they would inevitably go into some factory. Of the two, he thought mining labour more healthy than factory labour. In the thin-seam collieries the labour was of a light kind; the corves of coal were exceedingly small and light, and suitable to children. If labour were to be stopped at 10, let the question be fairly argued. He had seen the Petitions which had been referred to, and the parents of the children, who were the petitioners, all expressed a desire to have their children with them in the mines, so as they might be brought up to the labour they would have to follow in after life. The Home Secretary, too, saw no reason to object to such an arrangement, and why, then, should others interpose? He hoped that in thick as well as in thin-seam mines machinery would soon be invented to supersede to a great extent the employment of children; but the Committee ought not to interfere and extinguish this industry unless they were satisfied that physical and moral injury resulted to the children.

Mr. Alderman W. LAWRENCE said, the right hon. Gentleman opposite had really argued in favour of the Amendment, for though he wanted to employ children 10 years old in mining, he had expressed a hope that the time would come when such labour could be altogether superseded by machinery. If inventors were to be stimulated into producing such machinery, that stimulus would best be given not by permitting the employment of children at 10 years of age, but by preventing their employment until they were 12. The arguments of the right hon. Gentleman were such as had been used on every occasion when it had been proposed to restrict the employment of women and children. He hoped the Committee was not prepared to immure children of the tender age of 10 years in mines, where the weakest went to the wall, and where only the healthy and the strong could survive.

Lord ELCHO said, he was sure that the sympathies of the Committee were in favour of making children's labour as light as possible. The hon. Gentleman who had just sat down seemed to suppose that that was a proposal, for the first time, to employ children of 10 years old in mines, whereas the clause, even as proposed, made a great and sweeping change, for in 19 cases out of 20, children between the ages of 10 and 12 now immured in coal mines would be disinterred. That was a great stride in advance, and all that the Bill proposed was to allow certain exceptions. Originally, miners, as a body, were in favour of the limit of 12 years; but on reconsideration, and on representations made by owners and by parents who were interested, it was thought that the compromise contained in the Bill as to the thin-seam mines was a fair one.

MR. C. SEELY (*Nottingham*) said, he thought it would be better to let the clause stand as it was, and then when they came to the 5th clause they might limit its operation to a certain number of years.

MR. SAMUELSON, in opposing the Amendment, said that the only argument for it appeared to be that if children under the age of 12 years were not employed in the seam mines the expense of working those mines would be increased.

Question put, "That the word 'ten' stand part of the Clause."

The Committee *divided*:—Ayes 187; Noes 136: Majority 51.

Amendment *negatived.*

Clause *agreed to.*

Clause 5 (Employment of boys in mines).

MR. KAY-SHUTTLEWORTH moved as an Amendment, in page 2, lines 9 and 10, to leave out "No boy of the age of twelve and under the age of thirteen years, and." The object of the Amendment was to render the Bill similar to the Factory Acts, under which no child under 13 years of age was allowed to work full time.

MR. BRUCE said, he thought the hon. Member was mistaken as to the effect of his Amendment, which was unnecessary, for it would be better to leave this point to the discretion of the school boards, who would have power to compel boys between 12 and 13 years of age to attend school during a certain number of hours per week.

Amendment *negatived.*

Clause *agreed to.*

Clause 6 *agreed to.*

Clause 7 (Regulations as to employment of boys and male young persons).

MR. HUSSEY VIVIAN moved in sub-section 1, line 20, after "of," to insert "the shift or group of workmen commencing to leave;" in same line, to leave out "leaving;" in line 21, after "of," to insert "so commencing to return;" and in same line to leave out "returning." He wished to show that the time during which the boys should be employed under ground should be calculated from the hour when the group or shift of workmen with whom the boys were employed commenced to leave the ground to the hour when the group or shift arrived at the surface.

MR. BRUCE said, he wished to point out that in some instances in the North of England, while the workmen left the surface at four o'clock in the morning, the boys did not begin to descend until six o'clock, and came up again earlier than the workmen. While fully admitting the difficulty of properly defining the time when the boys were to commence or to leave off work, he regretted he could not accept the Amendment as it was at present worded.

MR. PEASE said, he believed the right hon. Gentleman had correctly stated the practice in the North of England. It would be almost impossible to carry out this Act if every individual boy was ticketed when he went down the pit and when he came up.

MR. BRUCE said, the words really meant the average time when the boys were relieved.

MR. ELLIOT said, that the clause related only to boys, and had nothing to do with men. There would be great difficulty in arriving at the average time. The time should commence to run when the first boy started from the surface and end when the signal was given for return. There would be no difficulty in arranging it so.

MR. RYLANDS said, he thought that a most important point. If the clause was left as it now stood, or if the average was taken, it would be impossible to say when an offence had been committed by employing boys beyond the time allowed. He therefore thought the clause should be postponed, in order that suitable words might be inserted.

MR. NEWDEGATE said, he hoped the time would be accurately defined by Parliament, otherwise the embarrassment of mine owners would be increased.

MR. FOTHERGILL said, the Home Secretary need not fear that while some boys were being brought up others would be kept at work, because all the boys insisted upon stopping work at the same moment.

MR. BRUCE said, he believed that unless the Act prescribed the time at which the work should begin or end, parents, or workmen hiring boys, might be tempted to keep them at work beyond the ordinary hours.

Mr. STAVELEY HILL suggested that the words of the sub-section should run thus—

> "The period of employment to be deemed to begin at the time of the shift or group of persons so employed commencing to leave the surface, &c."

Mr. NEWDEGATE said, that as more men were employed at a time of full work than when work was short, the period occupied by lowering and raising was of uncertain duration, and it was impossible to define when either of these operations should cease; but they might fix the time at which the lowering and raising should commence.

Mr. BRUCE said, the real question was as to the time that these persons were actually at work.

Mr. PEASE said, that if a portion of the clause was omitted it might work well. The object should be to prevent annoyance through technical arrangements.

Mr. BOUVERIE said, he feared that they were attempting to reconcile two impossible things.

Mr. CANDLISH suggested that the Amendment should be now adopted on the understanding that it should be remodelled on the Report.

Mr. BRUCE said, the framers of the Clause had intended the time to count from the hour of leaving the surface to the hour of regaining it. He thought the clause as it stood was clearer than the Amendment, but was willing to discuss the matter elsewhere, and accept any feasible suggestion.

Mr. BOUVERIE suggested a modification of Clause 6, so as to calculate the time in the way just stated by the right hon. Gentleman.

Mr. CAWLEY doubted whether the proposed Amendment of the clause would accomplish the object in view.

Mr. HUSSEY VIVIAN, considering the penalty of imprisonment which would attend the owners and workers for the acts of subordinates, felt bound to go to a division, unless the Home Secretary undertook to alter the clause at another stage.

Sir JOSEPH BAILEY, on the contrary, hoped that the Home Secretary would adhere to the words of the clause.

Mr. BRUCE said, he could not undertake to alter it, unless satisfied that it would be for the better. He denied that imprisonment would attach to persons except for personal and wilful acts.

Mr. CAWLEY said, he would recommend the acceptance of the Home Secretary's offer.

Mr. R. SHAW said, he thought that the time should be counted from the hour of leaving the surface till the signal was given to cease work.

Mr. BRUCE objected that boys might in that case have to wait an hour or more at the bottom of the shaft while coal was being hauled up.

Mr. HILDYARD said, he was willing to abide by the decision of the workmen's representatives.

Mr. STAVELEY HILL said, he thought his own Amendment, framed by representatives of masters and men, was, after all the best.

Mr. RYLANDS thought the clause should be postponed, with the view of enabling his hon. Friend the Member for Durham to propose a clause which would be satisfactory to all parties.

Colonel WILSON-PATTEN said, the question was surrounded with great difficulties, and on the whole he thought the suggestion of the Home Secretary was the best—namely, that the clause should remain as it was upon the understanding that on the Report the right hon. Gentleman should propose an alteration of it in conformity with what appeared to be the wish of the Committee.

Mr. HUSSEY VIVIAN said, it would be impossible to individualize each boy, and in the result serious penalties might fall on the mine owner.

Mr. ILLINGWORTH said, that when the Bill had been in operation 12 months many of the difficulties might be better met.

Mr. J. S. HARDY hoped that the hon. Member for Glamorganshire (Mr. Vivian) would not press the question to a division, but would leave the question to be dealt with on the Report.

Mr. BRUCE said, he would gladly adopt any form of words which would remove doubt upon the subject. He, moreover, thought the Inspectors should not institute prosecutions against the owners of collieries without laying before the Secretary of State the grounds of prosecutions, and it would be expedient to add to the clause words to that effect.

Mr. PEASE said, the suggestion of the Home Secretary would perfectly meet the case.

Mr. NEWDEGATE said, he was anxious that a more specific form of words should be adopted.

Mr. HUSSEY VIVIAN said, that after the declaration of the Home Secretary he would not persist in his Amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 8 (Educational provisions with respect to boys).

Mr. KAY-SHUTTLEWORTH moved that, after the word "employed," in line 34, the following words should be inserted:—

> "Attend a school which the Lords of the Committee of the Privy Council on Education having recognized as giving efficient elementary education to the children of the district, or if there be no school in the district which has been so recognized, or no school so recognized in which there is room, then any elementary school in the district."

Mr. BRUCE said, he saw no objection to the introduction of the words, and would consider the matter before the bringing up of the Report.

Amendment *agreed to.*

Another Amendment made.

Clause, as amended, *agreed to.*

Clauses 9 and 10 *agreed to.*

Clause 11 (Employment of women, young persons, and children above ground about mines).

Mr. WHEELHOUSE proposed verbal alterations which would provide that no girl or woman under 20 should be so employed.

Mr. BRUCE said, that this section was introduced on the recommendation of the Select Committee on Mines, to the effect that with respect to women and children employed on the surface the provisions of the Workshops Act should apply. There were many sorts of labour from which he should wish to see women and children exempted, but he held that all these questions should be dealt with as a whole. He must, therefore, oppose the Amendment.

Mr. ASSHETON CROSS said, he was also of opinion that this matter, if taken up at all, should be dealt with as a general question.

Amendment *negatived.*

Mr. PEASE proposed, in line 12, to leave out "eight," and insert 'ten," so that the age of children employed above bank might not be under 10.

Mr. BRUCE said, he believed, as a matter of fact, that no children of the tender age which his hon. Friend had in view were ever employed.

Mr. CANDLISH said, he should support the Amendment on the ground that if the word "eight" remained part of the clause an invitation would be given for the employment of children of that tender age.

Amendment *agreed to.*

Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

IRELAND—GALWAY ELECTION INQUIRY.—EXPLANATION.

Mr. GLADSTONE said, he wished to prevent a misapprehension which might arise from the statement he made yesterday with reference to the evidence in the trial of the Galway Election Petition. He stated then, what he believed to be correct, that the shorthand-writer's notes were written on both sides of the paper, and that the questions were not numbered, and he mentioned these matters as adding to the difficulty of the enormous work to be done by the printer. But it might be supposed that this was a deviation from the usual practice; but that was not so, as the usual practice was strictly followed. The purport of what he wished to convey was the extent and magnitude of the printer's task.

And it being now Five Minutes to Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LAW OFFICERS OF THE CROWN.

RESOLUTION.

MR. FAWCETT, in rising to bring forward the Motion of which he had given Notice, to call attention to the Treasury Minute recently issued relating to the remuneration of the Law Officers of the Crown, and to move the following Resolution:—

> "Considering the inconvenience which results from their being in Parliament no Minister of Justice or other official who should be able to give his undivided attention to Law Reform, and to the various legal questions affecting the administration of public business, this House is of opinion that it would be inexpedient for the Treasury Minute relating to the remuneration of the Law Officers of the Crown to continue in operation beyond the time when the present Law Officers of the Crown should remain in office,"

said, he believed he was expressing the very general wish of the House when he trusted that what had happened on previous occasions when the question of law reform was discussed would not occur that evening.

Notice taken, that 40 Members are not present. House counted, and 40 Members being found present—

MR. FAWCETT resumed. He had observed that when any hon. Member felt it his duty to call attention to the relations that existed between those who were responsible for law reform and tendering legal advice to Her Majesty's Government, the question was instantly dragged down into a personal discussion as trivial as it was fruitless; and further, that if anyone pointed out the inconvenience resulting to the public from there being no Minister of Justice or other official who could give his undivided attention to law reform and legal questions affecting the administration of Public Business, the issue, though important, was never fairly and openly met, but what happened was this—the Attorney and Solicitor General used a great deal of exalted talk about belonging to a noble profession, and the great sacrifices they had made of their private interests in order to serve the public when they took office. He neither admitted nor denied those sacrifices, for the simple reason that they had nothing whatever to do with his Motion. Nothing was further from his intention than to deny that the profession of an advocate was a noble one, or on the other hand to pretend to inquire the nature of the sacrifice which an Attorney General or a Solicitor General made to take office. But he must submit that that plea, if pressed, only strengthened his case. It was an old saying that it oftened happened that what one person lost another gained; and if they could believe that, when they found the Law Officers of the Crown taking a great portion of their time from their public duties to devote to their private practice, and thereby benefiting certain meritorious individuals, it would be some slight satisfaction. But it was not so. If the representations made on the subject were correct they only proved that we had a system which was not only detrimental to the public interests, but which also deprived us of the small modicum of comfort that it was accompanied with considerable private damage. He did not assert that the present Attorney General or Solicitor General did anything else than what had been done by their predecessors, or what would likely be done by their successors, nor did he wish to raise the question in any spirit of pettifogging economy. His object was not to save a few thousand pounds, but he did contend that the present system was inefficient and unsatisfactory, whilst it was disastrous to the public and costly to the taxpayer; and to secure an efficient system no public money which could be suggested could be spent more advantageously or beneficially to the public. Let the House consider what the Law Officers of the Crown had to do. Taking first their public functions, they were primarily responsible for introducing measures of law reform into that House; for if a great measure of law reform was to be brought in, it must be either by the Attorney or Solicitor General. Again, they were the legal advisers of the Government—a position involving most important duties. If an old treaty was to be interpreted the Government had to rely on the advice of their Law Officers; if a new treaty was to be framed, the Government had to depend on their Law Officers to point out its exact legal bearings. If certain acts had to be done which might vitally affect the future of this country, and might perhaps decide whether or not we should go to war, the Law Officers of the Crown were constantly ready to give advice to the Government as to the legality or illegality of these acts. Further, they had to be the legal advisers not only of the Government, but also of that House. It very often happened that measures were introduced involving difficult questions of legal interpretation. On legal points—with which men like himself felt themselves incompetent to deal—they wanted an authoritative decision; and to whom were they to look for it but to the legal advisers of that House? The Law Officers of the Crown had likewise to perform the duties of public prosecutors; they had to determine for the Government, for instance, if a great commercial fraud had been committed, whether it was the duty of the Government to undertake a prosecution or not; and probably also the Government had to appeal to them for assistance when it had to decide whether or not it was wise to exercise the prerogative of pardon. Those were some—perhaps not all—of the public duties which the Law Officers of the Crown had to discharge; and he asserted that there was no head of a great Department, no Secretary of State, who had to perform duties which more taxed the capacity of the most able, or were more engrossing of the time, the thought, and the energy even of the most gifted man who ever occupied a public position in this country. Not only, however, had they to discharge those heavy duties, but they had to appear in Court as advocates, whenever the Government had any contentious business; and they also generally filled, as far as private practice was concerned, a leading position in a profession which was admitted to be one of the most onerous and exhausting in which a man could engage. What would the public think if the Home Secretary, the Chancellor of the Exchequer, or the Secretary of State for War were at the head of some great commercial establishment, and if the only time they devoted to their public duties was the few occasional hours which they could squeeze out of their absorbing private concerns? He was not blaming the Attorney or the Solicitor General, but complaining of the system; and he was only astonished that those Gentlemen could give up the part of their time to the public which they did. For himself, even as a private Member only, he found that the work he had to do was sufficiently absorbing of his time; and if he had a private practice he should scarcely have a spare hour to bestow upon it. The practical inconveniences of that system were so patent to them all, that he might, perhaps, be pardoned for alluding to one or two instances which had recently occurred. During the last fortnight the country had been passing through a great crisis in connection with the negotiations respecting the Washington Treaty. At such a period it seemed to him that the Government required to have constantly at their service the assistance of their Law Officers; and those in the Government who had the highest legal knowledge should have had sufficient leisure to concentrate their whole thoughts upon the bearing of any new proposal or any new clause which might be inserted in the Treaty. But what was the fact? Why, that just at that very time when the Government required all the aid of their Legal Advisers, those Gentlemen were absorbed in their private practice. Again, as to another instance, he thought he was justified in saying that it was one which concerned the practice and procedure of that House itself. Certain distinguished Members of that House had laboured during the last three years to introduce that important measure of law reform earnestly demanded by the country—the Public Prosecutors Bill. And what had occurred? Why, it came on for discussion on Wednesday last. The discussion lasted four hours, and during the whole of that time neither the Attorney nor the Solicitor General thought it worth their while or were able to attend for a single moment. On looking at the law reports, however, the next morning, he found that the Attorney General had been engaged in a great private will case. Now, if the Law Officers of the Crown were occupied six hours during the day in Court, how many must they spend in the morning or evening in reading their briefs and studying the law of the case? If a Law Officer of the Crown was then engaged in a great and absorbing case, how was it possible for him to attend to his public duties in that House, or to give that amount of time which at such a crisis the Government ought to command from their legal advisers? So long as that system continued it would be as impossible for the Law Officers to give sufficient time to the performance of their duties as it would, he must repeat, be for the Prime Minister,

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the Home Secretary, or the Chancellor of the Exchequer, if they were taking an active part in the management of some great commercial concern in the City. But that by no means exhausted the case. To carry out a great and systematic measure of law reform, it was necessary for those who had charge of it to devote to its preparation long and continuous labour. It had been said that the great obstacle to law reform was in that House — that if the Attorney or Solicitor General introduced a measure of law reform they did not obtain sufficient assistance from the House. But the shortest experience in the House of Commons showed that those Bills passed most quickly which was introduced by hon. Members having the confidence of the House; and nothing inspired confidence so much as a belief that the measure introduced was the result of careful, anxious, and continuous labour. His second point was, that the present system was not only inefficient, but extremely costly. If he rightly understood the Treasury Minute, the present arrangement was that the Attorney General should in future receive £7,000 a-year, and the Solicitor General £6,000. And for what? For all the work they did for the Government? No. They were to receive these sums—40 and 20 per cent more than was given to the Prime Minister for the discharge of his public duties—and for the sums thus paid there was no security that these officers would devote a proper amount of time to the discharge of their duties. In addition to these sums, they were paid for every bit of contentious work done for the Government, in each case receiving a handsome fee, and made what they could out of their private practice. He did not say that £7,000 and £6,000 were extravagant sums for the Law Officers; but they were monstrously extravagant sums, unless Parliament could have a much better guarantee than at present that the duties would be properly discharged; and it was impossible they could be so discharged so long as the present system was permitted to continue. And now, it might be asked, what was the remedy for this state of things? He would not shrink from the responsibility of shadowing out a scheme of reform. What was required in the first place was a Minister of Justice. And what were the duties he would be called upon to discharge? With regard to his legislative duties, his first would be to draft and prepare Bills. His second would be to exercise a control over the law reports. His third would be to devote his time to a systematic and continuous effort at law reform. His executive duties would be—first, to act as legal adviser of the Government and of the House—the Parliamentary legal authority to whom the Government and Parliament should appeal. In the second place, he would have to discharge the duties of public prosecutor, or if local public prosecutors were appointed, to watch over them. In the third place, the prerogative of pardon should be entrusted to him, and not to the Home Secretary, who might not be a lawyer. He thought he was justified in saying that a Minister of Justice would have duties to discharge second in importance to none, sufficient to gratify the honourable ambition of the most capable man, and he would have the satisfaction of feeling that there was no one in the country who rendered more effectual services to the public. It might be said that they would not get an eminent lawyer to take the position; but would it not be second in importance or dignity to that of Lord Chancellor? and there was never any difficulty found in getting distinguished men to fill that office. With reference to qualifications, Mr. Fitzjames Stephen had said that the man who was most successful at the Bar would be the best man for a Minister of Justice; but it was not necessarily the fact that the best advocate, having the largest private practice, would fill the post with most advantage to the public. The necessary qualifications might co-exist with great rhetorical powers, but that would be an exception. Such an officer as the legal Member of the Council of the Governor General of India was what was needed—a position which had been filled by the most eminent jurists of our own country—Lord Macaulay and Sir Henry Maine—neither of whom had practised in the Courts. It had happened that under their jurisdiction more had been effected by continuous exertion towards codifying the laws of India in three years than we had been able to effect in thirty. The salary attached to that office was £8,000 a-year without pension, and in cases where the person holding the office had retired from ill health, he had invariably returned to his practice in this country.

A salary of £8,000, £10,000, £12,000, or even £15,000 then would be ample for the post in this country, with a claim to some easier position on retirement, or a position such as was held by an ex-Lord Chancellor. But the position of a Minister of Justice in this House might be strengthened if there were a permanent Commission sitting outside, which should assist him and render him services analogous to those rendered to the heads of Departments by their Permanent Secretaries. If that were done, hon. Members of the House might be able to refer their Bills to that Commission to have their opinion, not upon the policy of those Bills, but upon their legal bearings; and in that way we might be saved from one of the greatest opprobriums of Parliament — namely, the passing of Acts which were at variance with other Acts, the consequence of which was that unfortunate litigants found themselves involved in additional doubts and difficulties. If we had such a Minister of Justice, there would not be the smallest reason why the Government, when they wished to appear in Court upon contentious matters, should not retain for the conduct of their cases the most able counsel. The Government then would not be represented by the Attorney or Solicitor General, who might be the ablest lawyers in the House or the ablest lawyers who had not sacrificed their claims to office by too much independence. The Government would have an unlimited choice. They would be represented by the ablest men at the Bar, and it was a simple truism to say that the ablest men at the Bar might not be able to find a seat in this House. There would be another collateral advantage connected with the scheme. Nothing seemed so anomalous or mischievous, or produced such a bad impression on the public mind, as that the Attorney or Solicitor General had sometimes to combine what appeared to be the two perfectly contradictory offices of advocate and public prosecutor. For instance, the Attorney or Solicitor General might be retained in a case which, in its progress, might assume an entirely different phase; and then they might be called upon by the Government to decide whether the State should or should not carry on a prosecution. The House might ask what he intended to do with his Motion. He would certainly ask hon. Members to express their opinion upon it. If the Government approved the Motion it would be extremely useful to have that Motion upon the Records of the House. If they disapproved it, of course the House would hear their reasons, and also the reasons of those who would give it their support, and they would be able to judge between the two. He had arrived at the conclusion that nothing could be done by a private Member unless he steadily persevered. He had tried his very best, and he had been defeated by a combination of unfortunate circumstances in never having had an opportunity before that evening of getting the House to express an opinion on the subject. But, as he had escaped shipwreck to-night, he would certainly take advantage of his good fortune, and would not let the occasion slip. His hon. and gallant Friend (Colonel Barttelot) said the other night that we were having a great deal too much legislation in this House. We should soon be worried out of our lives by meddlesome and mischievous Government intervention, and people would shortly begin to say — "We won't be Conservatives or Liberals; but we shall join a party that will leave people alone." Whenever such a party was formed he should be a member of it. But, though he said that, there was one field of legislative activity in which all might unite their efforts. The stanchest Conservative and the most advanced Liberal, the stoutest advocate of Government intervention and the most devoted disciple of *laissez faire*, might combine in carrying out a scheme of law reform which would give to the free energy of this country a better chance of developing itself. They might wish to see the transfer of land rendered cheaper and more expeditious; they might desire to see justice rendered less costly and less complicated, and punishment brought home with greater certainty to the offender, in whatever rank of life he might be. These, and a countless number of instances which he might enumerate, would suffice to show what bountiful blessings a great law reformer might confer on this country. Believing that if he had failed to do so, there were others to follow in the debate who would abundantly point out the evils of the present system, he would ask the House with some confidence to accept the Motion which he now begged to make.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "considering the inconvenience which results from there being in Parliament no Minister of Justice or other official who should be able to give his undivided attention to Law Reform, and to the various legal questions affecting the administration of public business, this House is of opinion that it would be inexpedient for the Treasury Minute relating to the remuneration of the Law Officers of the Crown to continue in operation beyond the time when the present Law Officers of the Crown should remain in office,"—(*Mr. Fawcett,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: The connection between the speech of the hon. Gentleman the Member for Brighton (Mr. Fawcett) and the Motion he has submitted to the House is so exceedingly slight that I think it necessary to remind hon. Gentlemen of what it is they are asked to vote. The substantial proposition of the hon. Gentleman is that the recent Treasury Minute should not continue in operation beyond the time when the present Law Officers of the Crown remain in office; but he couples with it a statement that inconvenience results from the absence of a Minister of Justice able to give his undivided attention to law reform and the legal questions affecting the administration of Public Business. From that assertion the hon. Gentleman, by some process of logic best known to himself, deduces that the Treasury Minute should be cancelled. That Minute makes an arrangement by which in the salaries of future Law Officers we save £12,000 a-year, yet the first and only step which the hon. Gentleman asks us to take in law reform is to undo it and re-impose the £12,000 a-year on the public. How does he justify that extraordinary proposition? He says the present system is at once inefficient and costly, and he enumerates the duties of the Law Officers. He says it is, in the first place, their duty to introduce measures of law reform; secondly, to advise the Crown; and, thirdly, to act as public prosecutors. There the hon. Gentleman stopped; but not until he had entirely inverted matters, and left out that which was the principal duty of the Law Officers, concentrating his views upon that which was a very subordinate duty. What is their primary object? Any other Member would, I think, have said that it is the duty of a Law Officer of the Crown to be the advocate of the Government, to defend it in all the law suits which, owing to the vast quantity of property they administer and the immense number of transactions in which they are engaged, they are concerned in, or in all the suits or prosecutions they may think it necessary to institute. The main object of a Law Officer is, that there should be at the command of the Government the very best legal advice that can be procured. I will leave the House to judge of the careful analysis the hon. Gentleman must have made of the subject, from the fact that he so ignores the primary functions of the Law Officers. No wonder the hon. Gentleman's conclusion is unsound when his premises are so faulty. It is desirable, no doubt, that the Law Officers of the Crown should attend to measures of law reform, but have they ever been found otherwise than able and willing to do so? Let anyone look through the scanty list of law reforms which have been passed; whatever the cause of their failure—whether the inability of the Government or any other cause—had they not the assistance of the Law Officers of the Crown? Who carried through Parliament the Bankruptcy Bill, or what measure of law reform was carried without the assistance of the Law Officers? I maintain, therefore, that the view of the hon. Gentleman on that part of the subject is radically wrong. Considering their main and primary function, it is far more important for the Government to command the highest legal ability than to be able to command the whole time of any person. It is easy to get persons to give their whole time—men, too, of ability, honour, and very fair professional standing; but we want, not moderate ability, but the very best ability. We can afford to pay for it, and we have a right to have it. The hon. Gentleman has sketched some sort of plan, but is there any certainty of obtaining the best legal ability in any way as well as in the present? Suppose we were to require the whole time of the Law Officers, and call upon them to give up their private practice, we could no doubt find gentlemen at the Bar for the purpose, but they would be gentlemen who had no private practice to give up. What gentleman in large practice, and with all the emoluments and prospects of such a practice, would, for the precarious tenure the Government could offer him, throw up all his connections, sever himself from his professional and political associations, and resign all the prospects they opened to him? They would not be first, second, or even third-rate men who would do so. The hon. Gentleman says we might engage counsel for the occasion; but where acquaintance with private and confidential matters is required, is it not better to have the same advisers and advocates than to separate the two functions? The hon. Gentleman proposes a Minister of Justice, who is to be something a little lower than the angels, and another set of men to defend our cases; but private litigants find it expedient to take advice from the men they employ, and if it is expedient in private life, is it not probable that theexperience of so many hundred years, during which the Government has had Law Officers, points to the same conclusion? The proposal, in fact, would deprive us of the best legal assistance and condemn us to the assistance of men of comparatively mediocre talent. Moreover, the hon. Gentleman seems to have passed by the question how the chief seats on the Judicial Bench are filled. They are filled by Gentlemen who have had seats in this House and filled the offices of Attorney and Solicitor General; and what has been the effect? Gentlemen promoted to those high offices have not always been superior in knowledge of the details of law to the puisne Judges, but by experience in this House, intercourse with the Government, and participation in important affairs they have acquired an insight into affairs and a wideness of view which have tempered the narrow and restrictive tendency of law. A liberality and wideness of view have been thus obtained in our Courts, and no greater blow could be struck at the administration of justice than to separate promotion to the higher offices of the law from seats in this House and from political life. The hon. Gentleman complains that the Law Officers are absorbed in their private practice, and he gave an illustration of great force. He says the affairs of this House are so absorbing to himself, that he cannot conceive how the Law Officers can find time to devote both to their Parliamentary duties and to their private practice. Now, I will not push the remark further than to say that every day's experience shows us there are things which one man can do and another man cannot. It is just possible that men selected by the keenest competition from the highest ranks of a high and laborious profession may be capable of exertions which some of us would find difficult, if not impossible. The hon. Gentleman referred to the labours of the legal Members of the Council of India. I have nothing to say against those distinguished gentlemen, but perhaps he will allow me, as a former Secretary of the Board of Control, to say that the measures carried there—a less difficult task than carrying measures through the House of Commons—were not all prepared by them, but by persons of whose services we hear little, but which were not inconsiderable. Again, has the hon. Gentleman considered how a Minister of Justice, to advise the Cabinet, would square with the present position of the Lord Chancellor; or how both could go on together? He complains of legislation being pushed on which is not particularly wanted, yet he proposes to appoint an officer, with £18,000 a-year, to occupy himself with law reforms. Now, being a very able man, he would naturally find out a number of defects not obvious to other people, which he would press on the consideration of the Government in season and out of season, and then I suppose the hon. Gentleman would get up and complain of legislation being forced upon us which was not wanted. Whatever may be the hon. Gentleman's opinion as to the demand for law reform, it is a demand which might very easily be exceeded by the supply. As to this paragon of a Minister—a man of boundless erudition, knowledge, and capacity—where are we to find him, and having found him, what are we to do with him? He is to receive a salary equal to about three of the rest of us. When he goes away, his pension would, of course, be calculated on that salary, and how can the hon. Gentleman ask the country to meet that expense, unless he thinks an additional charge of £12,000 is a step towards economy? But, in truth, there would be no person of any weight who would impair his position at the Bar by accepting such an office. The only chance of filling the office efficiently would be to take some old Judge—probably from the House of Lords—who had served his time, and who would be willing to occupy his time in the preparation of Bills to be sent down to this House, where no doubt they would be treated with the degree of attention which we usually bestow on such measures. And not only that, but when a change of Ministers occurs, the Minister of Justice, in common with the others, is to retire on a pension, and another is to supply his place. I therefore say that the hon. Gentleman has not shown that the present system fails in its object of providing the Government with the very best assistance and advice. Indeed, the hon. Gentleman does not seem to have grappled in his own mind with the insuperable objection to any other scheme—namely, that the best ability can only be obtained by allowing gentlemen to retain their practice at the Bar. Again, I do not think the hon. Gentleman has shown any reason why we should have a Minister of Justice, at least for the purpose of preparing measures of law reform; for, though perhaps I have no right to speak on the subject, I am perfectly aware that if it be the wish of the House, we shall be quite ready to place before it measures of law reform which would occupy it for several Sessions. The only difficulty in the way is that the attention of hon. Members is turned to other pressing subjects which have attracted public notice, and that these dry details and changes in the law do not command the attention of the House so much as measures relating to the public health, police, and local Government, which directly interest every man in the country, whether he be a litigant or not. This being the case, the only other question to consider is whether the hon. Gentleman has made out a case for rescinding the Treasury Minute, which saves the country £12,000 a-year, and for putting that sum back into the pockets of the Law Officers of the Crown. Now, he has adduced no argument in favour of the change, and as I assume the Law Officers are satisfied with it, and as the public gain by it £12,000 a-year, why should we revert to the old system in order that there may follow from it the appointment of a very inferior person to assist the Government in advocating their cases in the Courts of Law?

Mr. PERCY WYNDHAM said, that though prepared to support with great cordiality the Motion of his hon. Friend the Member for Brighton (Mr. Fawcett), he confessed he found himself more in accord with the terms of that Motion than with the tone of some portions of his hon. Friend's speech. He also thought the Chancellor of the Exchequer had devoted himself rather to replying to the tone of that speech than to the terms of the Motion, for the Motion, as he understood it, meant that the exigencies of the time had quite outgrown the system of legal advice and preparation of Bills. The opinions he was about to state were not given on his own authority, but had been expressed by Lord Brougham, Mr. Napier, and many other distinguished members of the legal profession. In dealing with this question it was necessary to consider that the Home Office was the most overworked Department of the State. It had, among other things, to deal with a large portion of the legal business of that House, and only the other day it appeared that in consequence of there being no regularly constituted authority on whom hon. Members could depend to state the exact effect of proposed Amendments, the Government were obliged to say with regard to a great Bill they felt they were in the hands of the House. It would be of immense importance to have some authority outside the House to assist in drafting Bills. At present the able gentlemen engaged in this work got no praise if they succeeded, and were beyond the reach of blame if they failed. He did not mean, however, to say it was not of immense advantage to have in that House two legal Gentlemen who were actively engaged in private business, because he knew that in all matters in which there was contest and argument, it was necessary to have men who were practised in contest and argument; and they had recently seen the result of that necessity in the sending a Professor of Law to Washington instead of a legal politician. He, however, regarded his hon. Friend's Motion not as a subversion, but as an extension of the present state of things, for, in his judgment, unless there were an authority to appeal to, the legislation of that House would become more and more unsatisfactory. What happened last year? First, he would take those Acts, which might be termed partly general and partly legal in their character, such as Highway Acts. It was a general complaint throughout the country that those Acts were often entirely unintelligible or contradictory. An attorney of high standing once asked him who were the draftsmen employed at the Home Office. He replied that to the best of his belief they were most able and efficient men, but he added that these Bills had to undergo sifting in the House of Commons, and the criticisms of hon. Members who did not understand the precise force of legal language, and that as there was no legal authority to give cohesion and unity to the Amendments, confusion was the result. When the House passed Bills of a purely legal character, it was impossible, under the present system, to have any satisfactory amendment of the law. Mr. Greaves, a gentleman largely employed on the Criminal Law Amendment Act, speaking of the prospects of a consolidation and codification of the law, expressed a doubt whether a code could ever be passed through Parliament, and said his strong impression was that it could never be so passed, as the success of such a measure would entirely depend on the accuracy of the language employed. Again, Mr. Napier, in bringing before the House the subject of a Public Prosecutor in 1856, said he found the same system constantly pursued; the Government consented to the introduction of Bills of private Members, but would not consent to the details, and so matters went on night after night, and Session after Session. In conclusion, he must say that if the Motion were pressed to a division he should deem it his duty to support it.

MR. VERNON HARCOURT: Sir, I was sorry to observe this morning in the leading journal that the prospects of law reform in this country are desperate. However, I might borrow the words of an epitaph in the Abbey—

"Life's a jest, and all things show it.
I thought so once, and now I know it."

—[*Laughter*]—after hearing the speech of the right hon. Gentleman the Chancellor of the Exchequer, in which he has used all the well-worn arguments, and employed his wit and rhetoric in ridiculing law reform. He has said we may have a great deal too much of it, and that the House does not wish to occupy itself with dry details of that character, being impatient, no doubt, for those moist details of the Licensing Bill which presently await us. What is the spirit in which the Chancellor of the Exchequer has approached this great subject? How has he treated the weighty remarks of my hon. Friend the Member for Brighton (Mr. Fawcett)? He has treated them with banter—of which no man complains—and with unfairness, which any man has a right to complain of in this House or elsewhere. A more complete misapprehension—I will not say misrepresentation—of a speech I think I have never heard than that of the right hon. Gentleman with regard to the observations of my hon. Friend. The right hon. Gentleman began by saying that the object of the Motion is to restore the system of remuneration of the Law Officers of the Crown which existed before the Treasury Minute; but that is exactly the opposite of the fact, of the Motion, and of the statement of my hon. Friend. He did not propose to restore payment by fees; he said that the Treasury Minute ought not to be continued in order to express an opinion that the whole system should be put upon a new footing for the future. Therefore, a more complete misapprehension it is impossible to conceive. What is the next point of the Chancellor of the Exchequer? He says that my hon. Friend represented that the almost exclusive duty of the Law Officers was to conduct the legal business of this House and to advise the Government, and almost omitted to notice their duty of carrying on the business of the Government in the Courts. Why, a great part of the speech of my hon. Friend was occupied with pointing out that the performance of that duty was in no way connected with their position in this House. If their main business is in the Courts, I agree with my hon. Friend that it would be no hard measure that they should not be in this House at all. But I do not think that is the principal duty of the Law Officers of the Crown. Indeed, I have been surprised by some statements which I have heard from the highest authority with reference to the position of the Law Officers of the Crown in this House—with reference, for instance, to advising the Government. I have always understood that they were responsible to this

House and the country for advising the Government upon great and important legal and International questions; but, if I am not mistaken, in answer to a Question put by the hon. Member for Chatham (Mr. Otway), the Attorney General stated that the opinion of the Law Officers of the Crown was never taken upon that important transaction, the Treaty of Washington. If that be so, it goes a long way to establish the opinion of the Chancellor of the Exchequer that advising the Crown upon great matters of public policy is almost a non-existent function of the Law Officers. The right hon. Gentleman then went on to say it is necessary that the persons who conduct the business of the Crown in the Courts should hold confidential office and be in close relations with the Government. I am astonished that the Chancellor of the Exchequer does not know that a great part of the business is not done by the Law Officers of the Crown at all. If the Attorney General and the Solicitor General happen to belong to the Common Law Bar, the business in Chancery is conducted by eminent members of the Chancery Bar. On the other hand, suppose that both were at the Chancery Bar, would they go to the Central Criminal Court to conduct great prosecutions? Not at all. Everybody knows they receive assistance, and that the work is practically done by persons conversant with the Courts of Law. And when you want to have conducted a great transaction of the most confidential character, upon which the credit and reputation of this nation depend, whom do you get to conduct it? Why, a person who is not a Member of the Government—a man who is most eminent at the Bar, but a man who cannot conduct—as everybody would be proud that he should do—the affairs of this country in a confidential relation with the Government, because his own conscientious convictions have stood in the way of that position which he would otherwise have occupied. But, really, in the face of the fact that the hon. and learned Member for Richmond (Sir Roundell Palmer) is this day at Geneva representing the Government, for the Chancellor of the Exchequer to turn into ridicule the suggestion that advice of that character can be obtained from independent sources, seems to me to be a remarkable and strong position for that right hon. Gentleman to take up. This question is far too large to be treated with the levity with which we have heard it treated to-night; and I venture to say that the time will come when there will be a Government in this country which will not laugh and jeer at law reform in the House of Commons. When the country comes to understand the magnitude and importance of the subject, its bearings upon the social relations of all classes of society, and especially upon those classes who cannot afford expensive litigation—justice delayed and justice denied—there will exist in this country a Government whose Chancellor of the Exchequer will treat the question of law reform in a very different spirit from that in which we have heard it approached to-night. If my hon. Friend the Member for Brighton goes to a division, I shall vote with him, as a protest against the existing condition of law reform in this House. It is no use in this Parliament, and with this Government, hoping for law reform after what we have just heard. I did not hope much before, for the experience of this Session has taught us something. What happened during the present Session? One of the greatest lawyers in this country, the hon. and learned Member for Richmond (Sir Roundell Palmer), came forward with a well-considered scheme for the reform of legal education, when the Law Officers of the Crown got up one after the other and shuffled it out of the House. Then a measure of law reform was brought into the other House of Parliament, with reference to the reform of Appellate Jurisdiction, and I think the Attorney General stated that the Lord Chancellor did not consult the Law Officers of the Crown with regard to it. That is another proof of what the right hon. Gentleman has stated—that advising the Government upon law reform was but a secondary part of their duty; and with the added fact that they were not consulted with reference to the Treaty of Washington, the proposition may be considered proved. That second measure of law reform has gone to a Select Committee, from which it will probably never emerge, and certainly never in a form likely to be accepted by the House of Commons. Then there came the Public Prosecutors Bill, which has been referred to. It was brought forward by the right hon. Member for the University of Cambridge and the Recorder of London. They had made their little straw nest with great care, when the Government came like a cuckoo, and laid the egg of local taxation in their nest, expecting them to hatch it. The fact was that the Government had got into difficulties with hon. Members opposite, and they seized upon the unhappy Bill in order to get out of them. So the Bill has disappeared, and that is the end of the chapter of law reform for the Session of 1872. It has been finally closed to-night by the funeral oration pronounced by the Chancellor of the Exchequer. The hon. Member for Southwark (Mr. Locke) said the other night—"Why don't you try to do something?" I think everybody must see why nobody should try to do anything in the present state of affairs. Is it not perfectly obvious that the first thing done with any practical proposition upon subjects of this magnitude is to endeavour to laugh them out of the House of Commons? Such a course succeeds, and it saves the trouble of considering difficult questions. But it is idle to say that these are speculative opinions. We have the opinion of the Judicature Commission, formed of the most eminent lawyers, of members of both branches of the legal profession, solicitors as well as barristers, and they have unanimously condemned the system of legal administration in this country. That has been lying on the Table of this House for three years. The Commissioners recommended that we should do away with the extraordinary higgledy-piggledy system which now prevails in our jurisprudence, and they recommended the establishment of a Supreme Court of First Instance. They also testified to the fact that we have the ablest administrators hampered by the worst system that ever cursed a country, and that we have the greatest expenditure in our legal system to produce the most unfortunate results that are anywhere to be found. Having got the Reports of the Judicature Commission as to the Courts of First Instance, as to the Courts of Appeal, and as to the County Courts, what have we done? Nothing. Are these the dry details which the Chancellor of the Exchequer says that people may have too much of? And what are the efforts that have been made to carry out law reforms? I can hardly call what took place in the House of Lords an effort, for nobody expected that to succeed. The Government should come forward in a different spirit to that they have evinced this evening, and bring the ability that they can command in their Law Officers to bear, so that they may deal with a question of this magnitude, for they would at least have as much chance of carrying such a measure, as they have of carrying some of their other measures. The Chancellor of the Exchequer said that this question of appointing a Minister of Justice cannot be dealt with apart from the question of the position of the Lord Chancellor, and no doubt it cannot; but this Motion deals with only one part of a great question. I know quite well that all efforts of private Members have failed and must fail; and all my hon. Friend the Member for Brighton hopes to do is to stimulate the House to protest against the existing system. I know the question of a Minister of Justice cannot be settled except by dealing with the position of the Law Officers, including the Lord Chancellor, which like many things which have come down to us from antiquity, is wholly indefensible. That the head of the judicial Bench should go in and out of office with the Government; that there are men whom we would choose for the office who are excluded by its conditions; and that it involves a mixture of incongruous functions are matters the reform of which no amount of ridicule can long postpone; and it is only by attracting public attention to them that any pressure can be put upon the Government to deal with them in a practical way. I feel that any scheme dealing with the present question, to be at all satisfactory to the country, must be far larger in its scope than that embraced in the Motion of my hon. Friend the Member for Brighton. It must comprehend not only the reconstruction of the duties of the Law Officers of the Crown, but those of the Lord Chancellor, and probably of the Judges themselves. I look upon it as a matter highly deserving of consideration, when there are acknowledged delays, causing infinite mischief and expense, the cause of infinite injustice, and I think that I and those who take a similar view should protest, as far as in us lies, against the continuance of such a state of things. The question of the appointment of a

Minister of Justice, so far from being a subject fit for ridicule, is one, I think, which is of a very serious and practical character. More ought, I believe, to be done to separate judicial from political action in that House, and the present state of legislation is, I cannot help thinking, a scandal to any civilized Assembly. Statutes are passed Session after Session of a character so conflicting as to astonish, I will not say lawyers, but men of common sense. There is a Commission employed in repealing the statutes; but, like Penelope's web, as the Commission is trying to unravel the web at one end it is woven at the other, so that the Commission pant after Parliament in vain. I am not prepared myself to deal with the question with the thoroughness which I could desire; but I cannot sit down with entering my earnest protest against matters of such consequence being treated by a responsible Government in the tone in which they have been treated this evening.

MR. SERJEANT SHERLOCK said, he thought the delays and mischiefs which had been spoken of could not be of a very urgent nature, seeing that the hon. Member for Brighton (Mr. Fawcett) would allow such evils to continue until the present Law Officers retired. He also wished to remind the House that the present Law Officers of the Government had no personal pecuniary interest in the Motion, because the hon. Member for Brighton did not attempt to interfere with them, and the alteration proposed would only affect their successors. It was said that it was part of the duty of the Law Officers to be the Advisers of the Crown; but so long as these appointments were party appointments, it could not be expected that the professional views of the Law Officers should not be regarded with some jealousy. The hon. Member for Brighton had admitted that there was too much legislation already, and there was therefore a general concurrence in the view that there was no pressing necessity for law reform as contrasted with measures for which the demand of the country was louder. If the question at issue was one involving the appointment of a Minister of Justice, the observations of the hon. Gentleman might, be important; but as it was his Motion would lead to no immediate practical result, except, perhaps, it might be to the flooding of the House with measures of law reform, to the exclusion of other business.

MR. STAVELEY HILL said, he was prepared to admit that there might be some convenience in the establishment of a High Court of Appeal and in the removal of certain antiquated modes of procedure, but doubted whether any practical advantage would result from the presence in Parliament of a Minister of Justice. As far as the first part of the Preamble of the Motion of the hon. Member for Brighton was concerned, he maintained that it was not proved that any inconvenience arose from there being in Parliament no Minister of Justice; and as for the second part of the Preamble, that there should be in the House some one able to give his undivided attention to the various legal questions affecting the administration of Public Business, he asked whether, on the other hand, it was not necessary to have in that House, for the purpose of conducting the business of the Government, persons of the greatest eminence at the Bar, and who could command the attention of the highest Courts of Justice in conducting the business of the Government in the Courts of Law? Another part of the business of the Law Officers was to advise the Government, and if any hon. Member rose to ask a question as to an Act of Parliament on a proceeding in a Court of Law, Ministers of the highest talent might give an answer; but everybody knew that the answer would come with much more force from a lawyer accustomed to deal with such matters. There was nothing in the present system to prevent law reforms being carried out, for what would be the use of the Law Officers of the House if they could not give their attention to the various questions affecting public business? They must have two persons of the highest powers, able to conduct the business of the Government, so far as all legal matters were concerned; and a field of choice was likely to be left open as long as so many distinguished lawyers were ready to sacrifice emoluments in order to secure the honour of a seat in that House.

MR. HINDE PALMER said, that no hon. Member in that House more felt the necessity of law reform than himself, and if by voting for the Motion of the hon. Member for Brighton he thought that he should be promoting law reform, he should not hesitate to support the motion; but he regretted he could not do so, for he saw nothing in it calculated in the slightest degree to advance law reform. Although favoured with a position in the most gracious Speech from the Throne, as a subject in which amendment was greatly required, yet the reason why measures of law reform were not carried into effect was on account of the disinclination of the House to entertain measures of that description, because hon. Members thought that there were other measures of a more practical character which ought first to engage their attention. He made these remarks because, after the speech of the hon. and learned Member for Oxford (Mr. V. Harcourt), he should not like it to go forth that any one voting against the Motion was desirous of obstructing law reform. He did not regard the hon. and learned Member's criticism of the speech of the Chancellor of the Exchequer as fair, for he did not think that the Chancellor of the Exchequer intended to cast the slightest ridicule on law reform. What he understood the Chancellor of the Exchequer to ridicule was the imbecility of the proposal of the hon. Member for Brighton for the accomplishment of the law reform which that hon. Member desired to effect. That he understood to be the tone and spirit of the speech of the Chancellor of the Exchequer, who, far from attempting to ridicule progress in the way of law reform, was well known among law reformers for his desire for the improvement of the law. But what was it that the House was really called on to do by the hon. Member for Brighton? It was to place an obstruction in the way of all those measures of legal reform which would be facilitated by altering the mode of paying the Law Officers by means of fees, and among the measures impeded by that mode of remuneration was the reform of the Patent Laws, a subject upon which he would not dilate upon the present occasion. The hon. Member for Brighton wanted a Minister of Justice, in order that Acts of Parliament might come before the House in a more perfect state than they did. But how was a Minister of Justice to prepare Acts of Parliament so as to prevent them from being imperfect, seeing that the Amendments introduced into clauses in the passage of a Bill through the House often left the clauses less clear than they were? He opposed this Motion as one which would do more harm than good if adopted, and while doing so he strongly protested against being characterized as one who disregarded the advantages of law reform.

MR. STRAIGHT said, he must confess he had felt some difficulty in clearly understanding the object of the Motion, and he attributed that difficulty to the ungrammatical structure of the proposition itself. If the meaning was that the offices of Attorney and Solicitor General should be abolished, he certainly could not support such a proposal; and if it was meant that a Minister of Justice should be appointed, he must say that was a very large question, which would require a much wider discussion than could be given to it upon the present occasion. A great deal had been said about law reform; but why did not those who spoke so much about it take the trouble to bring forward some measures of law reform? It was very easy to make long speeches before Social Science meetings; but why did not the advocates of law reform do something to show the House what they really wanted? After all that had been said by his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt), it really was very natural for the Chancellor of the Exchequer to be somewhat jubilant, having made a bargain by which the public were gainers to the extent of £12,000 a-year. Probably the public were all of one mind on the subject. The Attorney and Solicitor General, perhaps, were not quite of the same opinion—they had been very quiet during the evening, and their reticence might to some extent be due to that fact. He objected to discuss a large subject like this on an abstract Motion, for he thought in so doing they might be led into a great deal of mischief. He was anxious for law reform; and if at any time the hon. Member for Brighton was disposed to bring forward some practical measure of law reform—such as a proposal to amend the machinery of the law in reference to small debts and the like, or in reference to public prosecutors—he should be happy to assist him.

MR. DENMAN said, in common with most of the hon. Members who had addressed the House upon this subject, he considered the Motion a most unfounded one. It was a complete *non sequitur*. It recited certain supposed evils, and went on to propose what would be no remedy for them—what, indeed, had no relation to them, and what would be an evil in itself. He, for instance, did not think it was true to say that inconvenience had resulted in that House from the inability of the Law Officers to do all they could reasonably be called on to do, looking to the functions they had to perform; and he could not see that those functions could be remodelled to any extent without impairing the high position they held, and their usefulness by reason of holding that high position. They must be lawyers of the highest eminence, and they must be Members of that House, for it was only by passing through a Parliamentary training that they could fill the highest situations of the law with that efficiency with which they ought to be filled. It had been said that it was the duty of the Law Officers to advise the House in questions of law; but he must say he had often wished that they had been more reticent in their opinions, given on questions put to them by private Members in that House. They were the Law Advisers not of the House, but of the Government, and were responsible for the opinions they gave. He repeated, he could not support this most inconsecutive Motion; and he did not think the Chancellor of the Exchequer could be blamed for treating it with something like levity. In these dull times, and in such hot weather, there was no reason why a man should not speak truth, and laugh while speaking it.

MR. RAIKES said, that he should give the Motion his cordial support. There had existed some confusion in the minds of some hon. Gentlemen as to what the functions of a Minister of Justice ought to be. He supposed that one of his duties would be to prepare measures of law reform, and to advocate them in Parliament; that he would also appoint the magistracy, and be responsible for its proceedings; and that he would likewise advise the Crown as to the exercise of the prerogative of mercy. At present the distribution of those various duties was very anomalous. The Lord Chancellor was supposed to have charge of law reform; the Home Secretary advised the Crown as to the exercise of the prerogative of mercy; and the Attorney and Solicitor General were required in that House to advocate law reforms, in the preparation of which they might not have been consulted, and to which they were sometimes strongly averse. It seemed to him that the right hon. Gentleman had been guilty of an unusual piece of effrontery in rising in his place and defending such a system; but that he supposed was explained by the fact that the present Government had been distinguished by a spirit of perverse parsimony in relation to the administration of the law. What had been their conduct in regard to the office of Queen's Advocate? The ground on which the Government of the day defended their course in respect to the escape of the *Alabama*, which had caused all these recent troubles, was, that the then Queen's Advocate was not in a position to advise them on that occasion. However, the Government seemed to consider a time when they most required his counsel to be an opportunity for saving the entire salary of the Queen's Advocate, and had also cut down the salaries of the Attorney and Solicitor General; and now they had to go out into the walks of the profession for an eminent lawyer to represent them at Geneva. The fees they would have to pay, and very properly, to so distinguished a counsel, would, he ventured to say, more than counterbalance the economy effected by the reductions to which he had referred. Yet the Chancellor of the Exchequer told them that the saving of £12,000 a-year was to debar the House from considering that Resolution, the recitals contained in which were accepted, not only by many in that House, but by the almost unanimous feeling of people out of doors.

MR. A. W. YOUNG said, he had known the Chancellor of the Exchequer both at the other end of the world and in this country, and he believed that no good measure of law reform had ever been introduced into that House which the right hon. Gentleman had not supported; while in the Colonies he was the most celebrated law reformer of his day. The Resolution of the hon. Member for Brighton would prevent the Government from having the choice of the highest legal talent of the country, a result he, for one, should be sorry to see.

MR. GLADSTONE: Sir, for my own part—and I believe I may also say for my Colleagues—I should not be unwilling to go at once to a division on this question, having reference either to the general tone and purport of this debate, or more especially to the answer given by my right hon. Friend the Chancellor of the Exchequer to the speech of the Mover of this Motion. But I certainly should not be content that it should be supposed that we are prepared to acquiesce for a moment in the description given of my right hon. Friend's speech by the hon. and learned Member for Oxford (Mr. V. Harcourt)—a description which I think was very inequitable, as well as very inaccurate. I was glad to see the objection that there was something of humour and wit introduced into the discussion by my right hon. Friend met by a lively protest from various parts of the House. We are not, I think, in much danger of losing the balance of the mind and judgment of the House through the enormous and intolerable redundancy of those qualities: on the contrary, it is supposed by some that the Goddess of Dulness, with leaden wings, is more apt to brood over our deliberations. We have even known the hon. and learned Member for Oxford himself, on propitious occasions, endeavour to bring his artillery of that kind into the field when circumstances favoured. But the hon. and learned Member, in his zeal for law, has a little forgotten justice. As regards the Government at large, were the charges of the hon. and learned Member fair? What is the exact purport of the Motion on which we are called to vote? The practical and operative part of it is—

> "That it is inexpedient that the Treasury Minute should continue in operation beyond the time when the present Law Officers of the Crown remain in office."

The hon. and learned Member for Oxford says it is not a fair representation of the Motion to quote these words; but that it is really a Motion that the Treasury Minute should be cancelled in order that the whole subject may be re-considered. If these words, "in order that the whole subject may be reconsidered" be part of the Motion, they are written in invisible ink. But even if these words were there, would they mend the matter? Is it really true that plans of the large description which the hon. and learned Member desires—and which as regards some important plans I think he is right in desiring—would it be true to say that this Minute ought to be abolished in order that the Government may produce those plans? What is the real difficulty in the way of the introduction of measures of law reform? It is not the want of ability or of readiness to prepare them; it is the crippled position of this House—crippled, I mean, relatively to the enormous other demands on its time and attention. What measure of law reform is there that we could have introduced to the House with a fair prospect of doing justice to it by carrying it into law. The hon. Member for Brighton does not adopt the enlargement of the terms of his Motion as suggested by the hon. and learned Member for Oxford. His complaint against the Government is, that we have too much legislation—that we submit to the House measures greater in number and magnitude than can possibly be passed. If that be so, why does the hon. and learned Member for Oxford think it worthy of him to enter into these complaints—unjust towards the Government and futile as regards the House—that we have no measures of law reform passed in this House? He knows that it is the duty of the Government to prepare from year to year, and to introduce into the House, those measures which are the subjects of the liveliest and most pressing public interest, and which, in the view of the public opinion of the country, are most urgently demanded. But more than that, the hon. Member for Brighton has pointed to no great measure submitted to the House by the Government which ought to have been cast aside in order to deal with this question of law reform. Therefore the accusation, whether against the Chancellor of the Exchequer or against the Government, is wholly devoid of foundation. The Motion further suggests that—

> "It would be inexpedient for the Treasury Minute relating to the remuneration of the Law Officers of the Crown to continue in operation beyond the time when the present Law Officers of the Crown should remain in office."

Now, that as it stands would land us in a difficulty if it were carried. In the course of affairs it does not usually happen that the Attorney General and Solicitor General pass out of office together; but the Motion appears to be framed upon the supposition that they are political twins, born into the world at the same moment, and likewise passing out of it at the same moment. Supposing the ordinary state of things to prevail, and if it were the misfortune of the Government to lose the present Attorney General before they lost the Solicitor General, I will call the attention of the House to the singularity of the fate which will attend the destiny of the present Solicitor General. The present Solicitor General has the honour of being the first Law Officer who has come into office on the reduced scale. According to the Motion of the hon. Member, if the House passes it, the Treasury Minute will cease to exist; and, supposing the Government were thereupon to lose the Attorney General, the Solicitor General would be promoted to the post, and his successor would be appointed upon the old scale of remuneration. The present Solicitor General will then enjoy the new and accumulated honour of being the first low-paid Attorney General with a high-paid Solicitor General. That would be the practical result of the Motion as it stands upon the Paper. But I am anxious to call attention to a matter which is very imperfectly understood, but which should be made plain in justice to all Law Officers. An impression has gone abroad that it is only a limited portion of the time of the Attorney and Solicitor General that the Government secures. I am not surprised that the impression should exist, seeing how distinguished a part the Law-Officers usually bear in conducting the business of the Courts; but, after a very long experience in many Governments and in association with many sets of Law Officers, I find it difficult to conceive of a misconception more complete. Enormous as are the powers of labour generally displayed by our distinguished lawyers, there is no question as to the relative nature of the claims upon their time. There is a limit to their powers of exertion and to their time; but upon that limited quantity the Government is authorized and entitled to draw—and does draw habitually—without any stint whatever, except what is dictated by a regard for human strength. The Government pays no regard whatever to the demands of the private practice of the Attorney or Solicitor General, and no Attorney or Solicitor General has power to obtain from the Government the slightest allowance on that account. My hon. Friend says we have not had the advice of the Attorney and Solicitor General in the matter of the *Alabama* negotiations. That is not a very good argument in support of his case, because Treaties cannot be dealt with as a matter in which legal advice is required at every turn; but we have had no difficulty in obtaining the advice of my hon. and learned Friends whenever we required it in connection with the negotiations between this country and the United States. I do not believe that the whole of our administrative history affords a single example of the Government being in a real difficulty from the want of legal assistance owing to the demands made upon the time of the Law Officers by their private practice. My hon. Friend thinks we have only the dregs and leavings of the time at the disposal of the Law Officers; but the fact that the Officers continue in private practice is a direct gain to the Government, because it is the means of preserving the freshness of their knowledge, and insuring that when we want their assistance it shall be not only complete as regards learning and ability, but in accord with the thought and feeling which prevails at the moment when their opinion is given. It is easy to criticize the distribution of the duties appertaining more or less to the law among the various Members of the Government. Let it, however, be remembered that the administrative system of this country and the construction of the Executive Government is just as much a peculiar and characteristic part of our institutions, although not as vital and fundamental a part as the legislative system itself. And it is utterly impossible that any good can be done by mere piecemeal attempts to amend that which, if it is considered at all, must be considered as a whole. The hon. and learned Member for Oxford, indeed, has been careful to state that a Motion dealing with a portion only of this great question does not command his approval; he votes for the Motion as a protest against the existing state of things, and justifies himself by attaching a meaning to the Motion which it does not really convey. Many changes are required in our system of judicature which I hope will be seriously considered before attempts are made to alter the position of our Law Officers. The position of the Law Officers of this country has been decided by their character from generation to generation, and the fame which they have earned has been no scandal, but an honour and credit to the country. Who are the distinguished men that, as lawyers, have earned a name and place in the history of their country, and have lived to us through fame as a portion of our national patrimony? I do not know whether nine-tenths of them, but certainly very nearly the whole of them have been Law Officers of the Crown. I do not wish at all to enter into the particulars of this question; but I think it is a pity that the efforts of my right hon. Friend the Chancellor of the Exchequer, with reference to the remuneration of the Law Officers, should have been disparaged, and that attempts should have been made to thwart those efforts by Motions such as that now before the House. The hon. Member for Brighton (Mr. Fawcett) has given Notice that he will invite the House to deliver judgment upon the terms of his Motion. I believe that he will find no large proportion disposed to accompany him upon those terms; but if he should, it is not merely in our interest as a Government, not merely in the interest of all those who will vote with us on this occasion, but it is in the interest of law reform that I feel bound to utter an emphatic protest against the assumption that those who are unwilling to adopt this crude, most impolitic, and most mischievous proposition are therefore hostile or indifferent or lukewarm in the matter of an amendment of the law.

Question put.

The House *divided*:—Ayes 101; Noes 24: Majority 77.

ARMY—CASE OF LIEUTENANT TRIBE.

NOTICE OF MOTION.

LORD ELCHO, who had given Notice to move an Address for Papers relating to the case of Lieutenant Tribe, 9th Lancers, said, since the House, on the Motion of the Chancellor of the Exchequer, by a majority of 26, had given up its right to bring forward on going into Committee of Supply any grievance affecting any individual in this country, and since the Government had taken Tuesdays and Fridays from private Members, it was notorious that private Members had only from 9 till 12 o'clock on Tuesdays and Fridays to bring forward grievances. Therefore, the position of a private Member who desired to bring forward a question which might take up some time, and which he wished to be fully discussed and reported, was an embarrassing one. Circumstanced as he was, he was obliged to discover whether there was any possibility, according to the Rules of the House, of his obtaining a proper opportunity of stating the grievance which he wished to bring before the House. He believed the natural opportunity for stating that grievance was not on the Motion for going into Committee of Supply, but in Committee of Supply itself, and therefore it was his intention, when the Army Estimates were brought forward next Monday, to state the case of Lieutenant Tribe on the Vote for the Administration of the Army, it being a question of discipline; and in order to give point to that statement, he would move the reduction of the salary of the Secretary of State for War by £2,000, and his reason for doing so would be that that sum would only be a fair and legitimate penalty to impose upon the right hon. Gentleman for committing an act of very great indiscretion in answering a question of the hon. Member for Hackney (Mr. Holms) on a matter relating to the discipline of the Army.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee.

Committee report Progress; to sit again upon *Monday* next.

COLONIAL GOVERNORS PENSIONS BILL—[BILL 176.]

(*Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter.*)

SECOND READING.

Order for Second Reading read.

MR. KNATCHBULL-HUGESSEN, in moving that the Bill be now read a second time, said, that an Act was passed in 1865 enabling the Secretary of State to grant pensions to colonial

Governors who should have reached the age of 60 years. The full rate of pension was to be given to persons who had served for 18 years as Governors, or for 10 years as Governors and 25 years altogether in the Civil Service. The reduced rate of pension was to be given to persons who, after having attained the age of 40, had served 12 years as Governors, or for 8 years as Governors and 20 years altogether in the Civil Service. One effect of that Act had been found to be that persons who had finished their service at some period between 12 and 18 years were most anxious to be employed again, so as to complete that longer period which would entitle them to the larger pension. They might be very near the 18 years—they might have been good public servants—but yet it might be undesirable to employ them at an advanced age; whilst, on the other hand, it seemed hard to refuse them employment, and to dismiss them with a 12 years' reduced pension when they had served 15, 16, or 17 years. The Colonial Office had therefore deemed it much better that the Secretary of State should have the power of giving to such persons a fractional yearly increment above the lower rate. That, in the interest of the service, would enable them to get rid of persons from whom the State had received the best part of their life's work, without hardship to them; whilst, in the interest of economy, it would enable them to dismiss them with a less amount of pension than if they had been re-employed and had completed their 18 years. The Treasury, however, would not allow such a measure to be passed unless it was secured that there should be no additional charge upon the public revenues. That eminent actuary, Mr. Finlaison, was therefore employed to draw the schedules of this Bill, and upon his figures the Treasury were satisfied that no such additional charge could be created, whilst the position of those Governors would be much more satisfactory.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Knatchbull-Hugessen.*)

Mr. DICKINSON said, he was of opinion that the Bill would considerably increase the present pension list, and as he condemned the principle upon which these pensions were to be given, he would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Dickinson.*)

Mr. R. N. FOWLER said, he was of a different opinion. The scale of rewarding colonial Governors was far too low. He should like to see them far more liberally rewarded.

Mr. RYLANDS said, the Bill was intended to allow the Secretary of State to give pensions for infirmity of mind or body at an earlier age than 60, and at an increased rate. The present pension list contained the names of persons who had been pensioned for infirmities of mind or body, and it was a well-known fact that many of them had since recovered and were capable of discharging public duties.

Mr. KNATCHBULL-HUGESSEN, in answer to the remarks which had been made, must say that in all his experience he had never known of any appointment from that House or elsewhere unless the gentlemen nominated were perfectly qualified for their duties. Looking over the whole range of our colonies, it must be admitted that the salaries of the Governors and other officials were not excessive.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday* next.

WILD FOWL PROTECTION BILL.

(*Mr. Andrew Johnston, Colonel Tomline, Mr. Brown.*)

[BILL 46.] COMMITTEE.

Order for Committee read.

Mr. AUBERON HERBERT moved an Instruction to the Committee to extend the operation of the Bill during the breeding season to other wild birds. In support of his Motion the hon. Member exhibited a piece of the bark of a tree in Kensington Gardens, which he said had been destroyed by a species of beetle which was known to have destroyed many of the finest elms in the country, and the natural enemies of those beetles were the birds whom he sought to protect.

Motion made, and Question proposed,

"That it be an Instruction to the Committee that they have power to extend the protection given under the Bill to Wildfowl during the breeding season, to other wild birds."—(*Mr. Auberon Herbert.*)

Mr. A. JOHNSTON objected to an extension of the Bill as likely to prevent its passing this Session.

Question put.

The House *divided:*—Ayes 20; Noes 15: Majority 5.

Bill *considered* in Committee, and *reported;* as amended, to be considered upon *Friday* next, and to be *printed.* [Bill 205.]

TRIBUNALS OF COMMERCE BILL.

On Motion of Mr. Whitwell, Bill for the establishment of Tribunals of Commerce, *ordered* to be brought in by Mr. Whitwell, Lord Frederick Cavendish, Mr. Norwood, and Mr. Monk.

Bill *presented,* and read the first time. [Bill 206.]

METROPOLITAN POLICE SUPERANNUATION BILL.

On Motion of Mr. Winterbotham, Bill to amend the Law respecting the Superannuation Allowances of certain Officers of the Metropolitan Police, *ordered* to be brought in by Mr. Winterbotham and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 207.]

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 24th June, 1872.

MINUTES.]—Public Bills—*Second Reading*—Customs and Inland Revenue * (162).

Committee — Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment, *now* Local Government Supplemental (No. 2) * (130).

Committee—Report — Appointment of Commissioners for taking Affidavits * (133); Prisons (Ireland) * (108); Oyster and Mussel Fisheries Supplemental (No. 2) * (156); Drainage and Improvement of Lands (Ireland) Supplemental * (142); Elementary Education (Provisional Order Confirmation) * (148); Tramways (Ireland) Provisional Order Confirmation * (147).

THE FIJI ISLANDS.—OBSERVATIONS. QUESTION.

The Earl of BELMORE: My Lords, the question which I have to put to my noble Friend the Secretary of State for the Colonies applies to a law as yet incomplete; but as it only awaits the final and formal stage of receiving Her Majesty's assent, I may treat it as already passed. My Lords, I was absent from the discussions on the Bill for the protection of the Pacific Islanders; but I have made myself acquainted with what passed on those occasions, and I see that in introducing the Bill the noble Earl gave a narrative of the events which led up to it. In the remarks, therefore, with which I shall preface my Question, I shall confine myself to the past and future—I may almost say the present—state of the law in relation to this matter, and to the means necessary to enforce it. Four years ago the Legislature of Queensland passed an Act regulating the labour traffic with a view of insuring the good treatment of the natives who had agreed to become labourers for a certain time. In this respect Queensland stands alone. As regards Fiji, Tahiti, and other places, the trade is not regulated by British law at all; further than that, British masters are subject to the common law and to the Act of 9 *Geo.* IV., c. 83, known as the New South Wales Act. As regards Queensland, abuses no doubt formerly prevailed, and recently the master of a ship called the *Jason* has been prosecuted by the Government for breaches of the law on the subject, and having been convicted—although there were doubts in some quarters as to his guilt—he was severely punished. Still, I believe that in that colony the law is honestly enforced. The Marquess of Normanby, the present Governor, who has taken especial pains to render himself fully acquainted with this subject, writes thus to the Earl of Kimberley on the 24th November, 1871. Referring to his visit to the schooner *Lyttona*, recently arrived from the Islands, he says—

> "From the conversation I had with Mr. Gadsden (the Government agent on board), and from other circumstances that have come to my knowledge of late, I think there can be no doubt that the state of things among the Islands is at present very bad, and that gross atrocities are being committed against the natives. At the same time, I have every reason for hoping that the vessels belonging to this colony are in no way implicated. Every precaution is taken, not only by placing an agent on board each vessel, but also by strict investigation on her arrival in port, and I feel sure that not only my government but the employers of labour themselves, would be most anxious to check any irregularities, and to bring the perpetrators to justice."

And further on he continues—

> "I would, therefore, venture to suggest to your Lordship whether the time has not arrived when

it would be desirable for Her Majesty's Government to take steps to put a stop to any illegal practices which may be perpetrated, whether by Fiji or Queensland vessels. These Islands are so numerous, and the area they cover is so great, that I fear the presence of one man-of-war would be of little use; but as no resistance need be anticipated, the service might very well be performed by gunboats, or even by three or four small fast sailing vessels, the expense of which would be less than that of one man-of-war."

I will now refer to statements made to me by two clergymen connected with the London Missionary Society, and who have lately returned to this country. One of them, the Rev. S. M——, (I have not his permission to mention his name) told me that he knows of no kidnapping from his —the Loyalty—islands. Fast young men go willingly enough. Natives have come back from Queensland with property. He knows that planters in Queensland have interposed to prevent natives from being imposed upon. Natives have imposed upon a magistrate in Queensland, saying that they had only engaged for one year, when they knew very well it was for three, preferring to work for weekly wages. He says that natives, even nominal Christians, are very unreliable. The Rev. W. G. L—— told me that some time ago about 20 natives of his island were engaged at Samoa to go to Queensland. All but two, who died, returned. They did not understand the questions put to them on their arrival in Queensland. They were not well treated on board ship; but were so after their arrival. Nine died within a year of their return to his (Mr. L——'s) island, perhaps in consequence of variety of climate. Young men would be willing enough to emigrate, but the native authorities object. So much for Queensland. I now come to the past state of the law elsewhere—whether British or French colonies, or independent places—and I can best explain this by illustrating it with the cases of the *Daphné* and the *Challenge* schooners, which were tried in Sydney in 1869 and 1871 respectively. The *Daphné* was a schooner which had a licence under the Queensland Act to recruit 50 labourers for that colony, and she was found by Captain Palmer, the then Commander of Her Majesty's ship *Rosario*, at Levuka, Fiji, a place in a totally opposite direction, with, I think, 101 natives on board. Captain Palmer thought the circumstances justified him in seizing her, and he sent her with a prize crew, not to Brisbane, the nearest Australian port, and where she could have been prosecuted under the Queensland Act, but to Sydney;—I presume because it was the head-quarters of the station, and because his own orders were to return there when he had finished his cruize;—to be prosecuted for a breach of the laws relating to the slave trade. The Crown took up the case, and the master was brought before the magistrates and acquitted, for a reason which I will mention presently. The Attorney General afterwards prosecuted the vessel on behalf of Captain Palmer in the Vice-Admiralty Court, and she was ordered to be released; because it is, as I understand it, required, to constitute a breach of the laws relating to the slave trade, to be shown not merely that the persons on board the vessel have been brought there by force or fraud, but that it was intended to take them to a country "where slavery was a recognized legal institution." Now, it could not be shown that Fiji was such a place, nor indeed had it at that time any recognized Government at all. As regards the *Challenge*, she was seized last year by Mr. March, the British Consul, at Levuka, under suspicious circumstances, and at his request Captain Montgomerie, of Her Majesty's ship *Blanche*, took possession of her, and sent her with a prize crew to Sydney, to be tried on a like charge as the *Daphné*, in 1869. On the way she met with bad weather and was dismasted, and with some difficulty reached Newcastle, a port about 75 miles from Sydney to the north. On her arrival there the Commodore requested me to send a Government steamer to tow her to Sydney. I referred the matter to my legal adviser, the Attorney General of the colony, and by his advice declined to do so. He held that no breach of the slave trade laws had been committed, and that by towing her to Sydney we—the New South Wales Government—might make ourselves parties to an illegal seizure. He (the Attorney General), however, directed the master to be prosecuted for an assault, he having fastened the hatches down on the natives, who had been induced to come on board the vessel. The master was committed for trial at the Supreme Court, was found guilty on two counts, and sentenced to three years' imprisonment in all. Acting on the Attorney

General's advice, Captain Montgomerie declined to prosecute the ship in the Vice-Admiralty Court. The owners sent in a claim for £700 damages, &c. Captain Montgomerie declined to pay this—stating his intention to plead a section in an old Act of *Geo.* III., originally passed more than 100 years ago for the prevention of smuggling in the North American Colonies, and subsequently made applicable to the slave trade laws, which section provides that if the Court is satisfied that a seizure has been made "with reasonable cause"—even though the vessel be not afterwards prosecuted—it may decree that the seizing officer shall be fined in an amount not exceeding 1*s.*, with 2*d.* costs. In this case there might have been a difficulty, because, in fact, Captain Montgomerie had not, and said he had not, seized the *Challenge*, but Mr. March. Now, Mr. March was, I think, clearly a trespasser, not being a seizing officer under the Act of *Geo.* IV. (relating to the Slave Trade), which provides that a naval or military officer, an officer of Customs, or the Governor of a Colony, or his deputy, alone may seize on suspicion of a breach of the Act. It might, however, perhaps have been possible to satisfy the Court that Captain Montgomerie by subsequently taking possession had constructively seized her, and at any rate the matter was allowed to drop. These legal difficulties have now been met by the Bill which has recently passed through both Houses. Whilst upon this subject I may remark that I fear that the clause, which has been inserted into the recent Bill by this House, no doubt with a view of making the law more stringent, by which it is provided that all vessels engaged in the labour traffic shall be licensed, will make the Act unpopular with those in the colonies who object to the labour traffic altogether, on the ground that by regulating it, it has licensed it. I am, however, aware that there is not much in this argument, because the traffic, if properly conducted, being not in itself illegal cannot be licensed. But besides the abuses which I have drawn attention to, I have little or no doubt that even a worse state of things than kidnapping prevails in the Pacific — namely, what is called "skull hunting." I will refer your Lordships to a report which I received not long ago, made by the Rev. C. H. Brooke, one of Bishop Patteson's party, at the time of his murder, and which appears in the last Blue Book on the subject of the deportation of South Sea Islanders, laid before Parliament. Mr. Brooke, in his report, dated Norfolk Island, October 19, 1871, after stating some facts about the labour trade, says—

> "I wish now to refer to another class of vessel which visited Florida during my stay. On July 10th I was told that nine men had been murdered, and their heads carried off by a vessel which came from the north-west. The scene of the murder was near a small island some distance from the mainland. The nine had gone off to trade. . . . On August 17th, the same vessel or another, I cannot say exactly which, killed four out of five men about four miles from where I was staying. I had a long interview with the survivor. He said that he and his four companions put off in two canoes, and that when they had been alongside for a short time, a man stepped down from the vessel, upset the canoes, and seized him by the belt which broke and he fell astern, where he remained concealed until, watching his opportunity, he swam ashore. He saw a boat come round from the other side of the vessel with four men in it. He says white men, but it is possible that he means light-coloured natives, or men with white hair; but that is a detail of small importance if the captain of such a vessel be a white man. These four proceeded to kill his companions. He gave me the order of their deaths. They were first beaten with the oars, and then beheaded with tomahawks, &c. The heads were taken on board. After searching in vain for the fifth, the vessel took her departure. Another vessel was seen on the morning of August 29th; she was lying about a mile and a-half from the shore. The native chief had issued orders to the effect that no one was to leave the shore; but one canoe did put off with five men in it. I stood on the beach in company with a large crowd, to watch the progress of this canoe; when it got near the vessel, which was a large black brig, two boats were lowered and pulled for the canoe. Anticipating what was about to happen, I could not look steadfastly at what took place, but I have not the least doubt that my companions saw everything plainly. At each successive act in the murder of their fellow-islanders they raised a loud cry, and at length launched a war-fleet, and put off either to save their friends or to have revenge. The boats did not wait, and they returned empty. Had my life been taken on the spot who could have been surprised? As it was, the chief came to me and made me promise to do my best to revenge them. The heads were taken as before. The theory concerning this latter class of vessels is this—that the white master takes on board skull-hunters from the north, who are allowed by him to take the heads of these southern people whom they are ever striving to subdue, and that in consideration of this aid, the white master may take men, or trade on their return to the north. This used to be done in New Zealand many years ago, so that the credibility of the story is not impaired by its novelty."

On receipt of this information, I caused Mr. Brooke's report to be referred to the

Crown Solicitor, who, after submitting it to the Attorney General, placed it in the hands of an experienced detective, who was usually employed in South Sea Island cases, and who in the course of a few days made a report, from which I have extracted what follows :—

> "Detective is informed that there are various means resorted to to obtain possession of the natives, one being when the canoes come off to the ship to trade, the ship's boats are lowered, pull between the land and the canoes, and so cut off the chance of the natives escaping back to land. . . . . Detective further reports that he has made inquiries relative to paragraph 3, in attached communication, and is informed that it is a custom with the natives of those parts to obtain the skulls of other natives as trophy of valour; the more skulls a chief gets the greater man he is supposed to be, these skulls being kept by them in their houses. The only brig answering the description of that referred to, known to be in the labour trade, is said to be the *Water Lily*, owned now, Detective is informed, by the notorious Captain Hayes, and at present sailed by him; and from the antecedents of this man, he is considered capable of any atrocity. Detective is further informed that the rendezvous of the *Water Lily* is at an island called Bonin," (since ascertained to be Bornabe or Ascension) "to windward of the Marshall group, four degrees north latitude of the line."

Enclosed in this was a statement by a seaman named Walter Oates, who had sailed in 1868 on board the *Maoroa*, a vessel flying the French colonial flag—which has a curious history of her own—and who said that at Peru, in the Gilbert group, the King having objected to give natives—

> "The captain, Charles Steenholt, said he would give him three days to consider, and if he did not give them he would take them. We had a gendarme named Du Sander on board at the time. On the third day the gendarme said he would not go on shore; he would stop on board, and let the captain go to see if he could get any natives, as he was getting tired of waiting, for he wanted to get the ship filled quick, so that he could get back. The captain then went on shore. He stopped on shore about five hours, then came on board with 37 natives. The men all told me that they had great sport in the bush catching them, and making them fast. These natives were confined down below under lock and key. Next day boats went on shore, and brought on board 15 natives, taken in the same way as the others. Next day boats went on shore, and took seven more natives. The captain said—'I think we had better clear now, for they are getting too wide awake.'"

At one place—Arrowi, in the Gilbert group—the men being frightened said—"Do not hurt us, and you can steal all the women you like, so long as you make them fast," and 38 young women were made fast by the hair of the head and stolen accordingly. Further on Oates stated—

> "I have heard that natives are brought from the north-west and landed in the southern islands by European vessels, who are trading for tortoise-shell or other produce. By this means they enforce trade, and the skulls go as payment to the natives in return for services. I have never heard of a white man taking part in procuring these skulls, otherwise than bringing the natives from the north-west to the south, and taking the natives back with the skulls to the north-west."

My Lords, I daresay he never did hear of anything more, because when people commit murder they do not talk about it. The conclusion I have come to is that Mr. Brooke is mistaken in supposing that "skull hunting" is carried on in connection with the labour trade; but I think it does exist in connection with trade of a different sort. At my request Commodore Stirling wrote to the naval Commander-in-Chief in China to ask him to send a ship to try and bring Captain Hayes to book, and I hope that if my noble Friend learns that anything has resulted from this he will lay the Papers on the Table. [The Earl of KIMBERLEY: Hear, hear!] I also wrote to the Governor of New Caledonia, and I have no doubt that he will do all in his power to assist in putting a stop to these abuses. I will only trouble your Lordships with one more quotation. Captain M'Serie, the Inspector General of Police at Sydney, reports as the result of his general inquiries—

> "The plan said to be adopted by the masters and owners of the different vessels is to clear from the different Australian ports with cargoes of gin, tobacco, powder, caps, muskets, fancy cotton cloths, and other articles, ostensibly for the purpose of legitimate trade; but on arrival at Fiji the names and rig of the vessels are changed, and fresh registers and papers are obtained at the Islands, and used during the time the vessels are employed kidnapping."

Now, my Lords, I think I have shown that the honour of the country demands some decided action, and I come to the question as to what is to be done to put a stop to this state of things? I see my noble Friend is reported to have said that a ship of war would visit the Islands occasionally, and if this is really the determination which Her Majesty's Government has arrived at, they will be doing very little indeed. But from what I have lately heard I have reason to hope they intend to do a great deal more. At present I believe the Australian squadron consists of five ships, and until lately, since 1868, there were only four. Whilst I am on this subject I will say—although perhaps it is not altogether relevant—that I think some of the ships on the station are not the best suited to its requirements. Three of them, no doubt, may answer very well; but the *Basilisk*, a paddle-wheel steamer, although a fair steamer, would not, I imagine, be of much use in beating to windward, and she replaced a still older paddler, the *Virago*, which I know by experience could neither, as it is said, "sail nor steam." The *Rosario* also is a vessel of very little power. I would suggest to the Admiralty that these ships should be withdrawn, and their places filled with fast despatch vessels when they are relieved. There is only one other subject I need allude to, and that is the present position of Fiji. Lately, a sort of responsible Government has been set up by the King Cakoban. At first, they made an unfortunate start; but I see a gentleman has lately been sent for, whose name is, no doubt, well known to the noble Earl (Earl Granville) as having been formerly acting British Consul, who bears the highest possible character, and who, if the experiment is to succeed, is the man to make it succeed. I do not know what decision Her Majesty's Government may come to with regard to this new Government. So far, they have not recognized it, further than by instructing me and my successors to treat it as a *de facto* Government as respects matters occurring within the territory acknowledging its jurisdiction. I now beg to put to the noble Earl the Question of which I have given him Notice—What steps do Her Majesty's Government intend to take to give effect to the law for the prevention of criminal outrages on the Natives of the Islands of the Pacific Ocean?

THE EARL OF KIMBERLEY said, that no one in that House had more right to speak on this subject than the noble Earl, who had for some time resided in the vicinity of the places to which he had alluded, and who, during the period he was Governor of New South Wales, had done his best to prevent the evils resulting from this traffic. He was glad to hear from the noble Earl that he was not one of those who were prejudiced against the course that had been taken by Queensland in this matter, and that it was evident from the prosecutions which had occurred in that colony that the law was efficient and was impartially and rigorously enforced. His noble Friend the Marquess of Normanby since he had gone out as Governor of Queensland had devoted much attention to this subject; and a law had been passed by the colonial Legislature to put down those practices; and he was sure if that law were found inefficient there would be no want of inclination on the part of the colonial authorities to make such further regulations as might be deemed necessary. That the law was not allowed to be a dead letter was shown by the recent conviction of a captain of a vessel for violating it, and the severe punishment with which he was visited. The Bill alluded to by his noble Friend had passed both Houses of Parliament, and now only awaited the Royal Assent. It was a great mistake to suppose that Her Majesty's Government had in that measure given validity to a practice hitherto held to be illegal. The object of that Act was to regulate and not to entirely suppress this traffic, and it was thought that that object would be best obtained by requiring the master of every vessel to enter into a bond and obtain a licence before he engaged in it; and they had endeavoured by a great number of stringent provisions and penalties to prevent attempts to obtain labourers by fraud or violence. With reference to the horrible practice of skull-hunting, he deeply regretted that there should be found Europeans who, in order to facilitate their own legitimate trade, encouraged the natives to pursue this horrible and monstrous practice, and he agreed with his noble Friend that every effort should be used to put an end to such a shameful and barbarous state of things. He trusted that with the help of the China Squadron sufficient force would be on the spot to prevent such crimes being committed in future. The force in Australian waters at present consisted of six steam vessels of war, four of which, assisted by three or four sailing vessels as tenders, would be employed in preventing the kidnapping of the natives. He could assure the House that Her Majesty's Government would take every step in their power to put an end to the atrocities which had prevailed on these Islands, and to render the Bill which had recently been passed an efficient instrument for repressing this traffic. They trusted that they would be assisted in their efforts to check the abuses of this traffic by those who had set up a Government in those Islands, and who were now recognized as the authorities of Fiji.

In answer to the EARL OF LAUDERDALE,

EARL GRANVILLE said, Her Majesty's Government was in communication with foreign Governments with reference to the subject.

STATE OF IRELAND—RECENT COUNTY ELECTIONS.—OBSERVATIONS.

LORD DUNSANY rose to call the attention of Her Majesty's Ministers to the last four county elections in Ireland, and to the probable causes of the growing disaffection to the Imperial Government manifested at those elections and elsewhere in Ireland. The noble Lord said that the subject was one of importance, not only to Ireland, but to the whole of the United Kingdom. The state of Ireland, as far as disaffection was concerned, was very serious, and was daily growing worse, and if things went on in the same manner very soon we should have to choose between the disruption of the Empire, or the forcible suppression of what was going on. The few facts upon which he should found his remarks admitted of no controversy —they were generally known and had become historical. Their Lordships were aware that shortly before the end of last Session there was a somewhat discreditable election for the county of Tipperary, when the electors of that county thought fit to elect as their Representative in the House of Commons one of the worst of the Fenian offenders —a man who had been three times convicted. Since then, four county elections had been held, the result being the return to Parliament in unbroken succession of men belonging to the Nationalist, the Fenian, or the Home Rule Party—or whatever they pleased to call themselves, but whom he might safely venture to describe as the Party of Disaffection. One of those counties was situated in the East of Ireland, another in the far South-West, a third in the South, and the fourth in the North-West, and therefore they might well be regarded as a fair sample of the state of feeling which existed in the rest of the country. Endeavouring as far as possible to avoid using language that might be offensive to Roman Catholics, he might say that a recent election had been influenced by what Macaulay had termed the strongest known organization in the world — the Roman Catholic clergy, who had so often acted as the electioneering agents of Her Majesty's Government. No doubt it might be said that even if the worst came to the worst, insurrection in Ireland would be at once put down by the strong arm of England. But was that a satisfactory state of things to have arrived at after we had adopted a course of sentimental legislation, and had instituted a series of experiments which, in the opinion of many people, nothing but success could justify? If in five English counties Members were returned who advocated the dissolution of the Empire, it would have meant that revolution was proximate: but in Ireland it meant the spirit of revolution restrained by the power of England. Now, in what position would Her Majesty's Government be placed in the event of their having to repress insurrection in Ireland with a strong hand? In the first place, the course they had taken with regard to the Fenian prisoners would entirely preclude the possibility of their obtaining the conviction of any Irish traitors in future. When a jury composed of respectable men at the risk of their lives found those charged with Fenian crimes guilty, they found that they were made fools of, and that the traitors they had pronounced guilty were released after a short confinement;—under these circumstances it would be too much to expect that Irish juries could be brought to convict in similar cases in future. The crime of high treason was the highest known to the law, yet the Government in dealing with traitors invariably treated them as political offenders, who were entitled to special favours. The course pursued really amounted to setting aside and repealing some of the most important statutes of the Realm. All the Fenian prisoners had been set at liberty except a few who had dyed their disaffection with the further mark of military treason. These poor soldiers had been seduced from their military allegiance, and were still in prison; but the traitors who seduced them were set at liberty. This was not dealing out even-handed justice between man and man. The well-affected were discountenanced, the seduced were relentlessly punished, the seducers were let off. Notwithstanding all this, the Government could not retain its popularity in Ireland. How did it happen that after two such measures as the Church and the Land Acts, which—for the sake of argument, he accepted as beneficial and just—the Government was still unpopular? Evidently because the people of Ireland did not feel they owed the Government anything, although they accepted these Acts as boons. It was true they despoiled the few for the good of the many; but nothing less than the confiscation of the whole of the land of Ireland would satisfy the hopes raised by the speeches of Mr. Gladstone before he took office, and the people of Ireland felt the Government had been well repaid by securing and holding office by virtue of declaring for these measures. One great evil in Ireland was the absence of a Liberal party. The Roman Catholic priests could not possibly be Liberals — their vows forbade it. He might be told there was a brighter side to the picture, as evidenced in the courageous and manly judgment delivered by Mr. Justice Keogh. It was due to Mr. Justice Keogh, who had had a great amount of injustice done him, to point out that his judgment, which contained apparently some very objectionable expressions, took nine hours to deliver; and what appeared in the public journals was only an abridgment, in which, no doubt, any spicy expressions it contained were extracted; and which, in their published connection, might have had their complexion considerably changed. Nevertheless some of these expressions were justified by the evidence, and as they stood in connection with their context, they were not subject to any such strictures. There were painful rumours of the retirement of that learned Judge. He hoped they were unfounded — he hoped there would be not only a Justice Keogh on the Bench in Ireland, but a long succession of such able and upright Judges. The noble Earl, in conclusion, adverted to Trinity College, attributing Mr. Justice Keogh's independence to his training at that institution, and expressing a fear that, as the "third branch of the upas tree," it was doomed by the Government, with the view of giving the priests the control of education.

THE EARL OF KIMBERLEY said, that had the noble Lord impugned the conduct of the Irish Executive his noble Friend (Earl Spencer) was present, and would have given him a complete answer. He had, however, admitted that the conduct of the Executive was creditable, considering the circumstances in which they were placed, and his speech had been rather a general indictment against the Government and the Liberal party. The noble Lord's variety of topics, and his anticipations that no answer could be given to his inquiries, placed him under some difficulty in replying, and therefore he would not attempt to follow him over the whole ground through which he had travelled. As to the recent elections, the most remarkable of them was Galway — the most remarkable, perhaps, in modern days. Their Lordships were, no doubt, aware that the judgment of Mr. Justice Keogh was about to be laid on the Table of the House, and it was undesirable to discuss the matter until an authentic record of the judgment delivered by that able and upright Judge was before them. As to the Land Act, he denied that it took away the property of the few to give it to the many. He (the Earl of Kimberley), on the contrary, would rather describe it as an Act which secured to the many what they were fairly entitled to, and did not infringe the limits of equity and justice. He believed it had given considerable satisfaction to the tenantry, who, the landlords complained, had been too well treated. He did not believe the release of the Fenian prisoners had been followed by any evil effects. So far from its having stimulated disaffection, at no period since the Fenian outbreak had Fenianism been more quiescent, and at its head-quarters across the Atlantic it had never been at a lower ebb. The noble Lord had spoken of general disaffection in Ireland. He (the Earl of Kimberley) feared that at no time could it have been truly said that no disaffection existed in any part of Ireland; but he saw no signs of growing disaffection; and as to Home Rule, it was an evident improvement on Fenianism, since it showed that agitators had reverted to constitutional and legal measures, and that an armed insurrection against the Queen's Rule had been abandoned for the present. With respect to the general condition of the country, he had never known a time when it was not represented as worse than ever on the one hand, and as strikingly improved on the other. He thought the truth lay between the two views. He believed there was great material prosperity, and the disestablishment of the Church had, to the credit of all parties, caused less agitation and bitterness than might have been expected. Disaffection, he feared, had always existed, and would probably continue to exist for many years, whatever course Parliament or the Government might take; but he believed it was more quiescent than for a considerable time past, and he could not concur in the noble Lord's view of the situation.

Lord ORANMORE and BROWNE contended that the Land Act, which had hardly begun to operate, had produced, and would produce, separation between landlord and tenant and between the tenants themselves, disputes formerly settled by the intervention of the landlord being now decided by litigation. Referring to the murder of the Policeman at Dublin, he felt no surprise at the acquittal of the accused, for the jury were evidently afraid to subject themselves to danger, or returning a verdict against the murderer, especially since, after the release of the Fenian convicts, they could feel little confidence in the sentence being carried out in case they convicted him. The fact of the acquittal of this man—who had been taken red-handed—could carry but one conviction to the people of Ireland—that the Executive of Fenianism was stronger than the Executive of Her Majesty's Government. The murder of Mrs. Neil in open day at her own door, after having given notice to quit to a tenant who had refused right of way to a fellow-tenant, was another lamentable symptom, and there appeared no prospect of the murderer being detected. The language of several Members of the Government at the time of the passing of the Land Act excited illusory hopes, and he especially regretted the statement of the noble and learned Lord on the Woolsack, that an evicted tenant had no choice but between the pauper churchyard and an American swamp. ["Hear!"] He was surprised that noble Lords on the Ministerial Bench should cheer that statement, for at the time it was uttered evicted tenants had almost universally the means of coming to England or emigrating.

The Earl of KIMBERLEY: The only alternative was the workhouse.

Lord ORANMORE and BROWNE said, he was surprised to hear the representative of the Government say that the only alternative before the tenant was the workhouse.

The Earl of KIMBERLEY would thank the noble Lord not to exaggerate his meaning. His noble and learned Friend had never meant to say that in no case had an evicted tenant no choice except between the graveyard and an American swamp; but that there were cases in which eviction practically left him no alternative but beggary or expatriation.

Lord ORANMORE and BROWNE: He remembered the passage perfectly well, and that was the interpretation he put upon it. The Premier, also, in the other House, had said that under some circumstances emigration implied banishment. Statements like these, which were scattered the next day throughout every village in Ireland, might lead the ignorant to suppose that even the Lord Chancellor of England and the first Minister of the Crown thought a good deal was to be said in favour of the crimes which they committed. But he complained that the noble and learned Lord, though ready to express his sympathy with one class, did not extend it to another. He thought a strong case for sympathy might be found in the poor orphans left by the unfortunate lady who was murdered without cause. In the recent elections the operation of the Land Act was manifest. Before the passing of the Land Act, the respectable and reasonable landlords regulated every difference between themselves and their tenants on the principle of giving every advantage and consideration to the latter; but that had all been changed now, for the law stepped in in their place. There was an estrangement as between class and class. Look at the two recent elections for Kerry and Tipperary. The Roman Catholic clergy went with the popular cry of Home Rule, and carried everything before them. In Kerry the landlords were unable to make any stand at all, and the tenants returned a young candidate who was comparatively unknown to the country. The fact was that Her Majesty's Government had tried the experiment of governing

Ireland in a great measure through the influence of the Roman Catholic priests, their creed being Catholicism, nationality, and what he called Socialism—in other words, division of land. As for the two former, they amounted, according to Cardinal Cullen, to the same thing. When the Conventions Act was under discussion in the other House, Mr. Butt said that unless the Government granted what Ireland asked, the people there would take such measures as could not be resisted by the Government; whereupon the Prime Minister acknowledged the temperate and moderate tone in which the hon. and learned Gentleman had spoken, and went on to say, in effect, that the separation of the Empire, in some shape or other, was a matter of fair discussion—an expression coincident with that which had been used by the noble Earl that night.

THE EARL OF KIMBERLEY: I never said anything that implied that the separation of the Empire was a matter of fair discussion.

LORD ORANMORE AND BROWNE had yet to learn that there was much difference between Home Rule and separation. Whether Fenianism, Home Rule, or repeal of the Union was the term used, separation was implied of the two countries. He thought the noble Earl gave their Lordships reason to believe he meant that.

THE EARL OF KIMBERLEY: I must again interrupt the noble Lord. I beg him not to put into my mouth words which I never have spoken. What I said was, that a difference existed between Home Rule and Fenianism; that, whereas the former meant the adoption of Parliamentary methods, the latter implied violent methods.

LORD ORANMORE AND BROWNE confessed that he could not see any exact difference between the explanation of the noble Earl and his previous remarks. Mr. Butt said in the House of Commons the other night—

EARL GRANVILLE rose to Order. The noble Lord was not in Order when he referred to what Mr. Butt had said in the other House.

LORD ORANMORE AND BROWNE presumed he should be in Order when he said "in another place." What he maintained was that it remained an open question, from what the Prime Minister had said "in another place," as to the course the right hon. Gentleman intended to pursue in the future with regard to Home Rule.

PRISONS (IRELAND) BILL—(No. 108.)

(*The Marquess of Lansdowne.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 7, inclusive, *agreed to.*

Clause 8 (Expenses of prisoners to be paid by county to which they belong).

LORD ORANMORE AND BROWNE complained that no satisfactory statement had been made by the Government with regard to this important measure, which related to the distribution of charges between local and Imperial taxation. The principle involved in the Bill was, whether prisoners who were removed to convict prisons should be supported by county or by Imperial rates. The alteration proposed would cause a great increase of taxation in the county of Mayo and other parts of Ireland. He would submit to Her Majesty's Government that the Bill ought to be deferred until the general question of the incidence of local taxation was settled.

Amendment moved, page 4, line 37, leave out from ("presentment") to end of clause inclusive, and insert ("funds to be provided by Parliament".)—(*The Lord Oranmore and Browne.*)

THE MARQUESS OF CLANRICARDE supported the Amendment.

THE MARQUESS OF LANSDOWNE said, he was quite ready to admit that the redistribution of charges between local and Imperial funds deserved that careful consideration which it would doubtless receive before long. Nevertheless, he thought so large a question ought not to be raised in the discussion of a Bill like the present, which did little more than apply to Ireland the provisions of the English Prisons Act. He hoped the noble Lord would not persist in his opposition to the clause.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Remaining clauses *agreed to.*

Bill *reported*, without Amendment; and to be read 3ª on *Thursday* next.

House adjourned at half past Seven o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, 24th June, 1872.

MINUTES.]—SUPPLY—*considered in Committee* —CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*First Reading*—Baptismal Fees* [209].

Second Reading—Local Government Board (Ireland)* [90]; Drainage and Improvement of Lands (Ireland) Acts Amendment * [202].

Referred to Select Committee — Railways Provisional Certificate Confirmation * [192].

Committee — *Report* — Juries Act Amendment (Ireland) [195]; Life Assurance Companies Acts Amendment* [115].

Third Reading—Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2) * [124], and *passed.*

PARLIAMENT—SELECT COMMITTEES—EXPENSES OF WITNESSES.

QUESTION.

MR. SCLATER-BOOTH asked the Secretary to the Treasury, Whether it is true that two witnesses from America have been paid the sums of £283 13*s.* and £261 18*s.* respectively for their attendance as witnesses before the Select Committee on Habitual Drunkards; by what authority they were summoned to attend; whether the sanction of the Treasury has been given to this expenditure of public money; and, whether it is competent for Committees to summon witnesses from abroad apart from any such sanction; and, also whether the Gentlemen were in England or America when the summons for their attendance was issued?

MR. BAXTER said, it was quite true that these two witnesses were paid the sums of £283 13*s.* and £261 18*s.* respectively—["Oh, oh!"]—not for attendance, but for their travelling and other expenses in connection with the evidence they had given before the Select Committee on Habitual Drunkards. The Committee had no power to summon witnesses from abroad; but the Chairman, having obtained the assent of the other Members, invited the attendance of these two witnesses, who were in the United States at the time. It was absolutely necessary to obtain evidence from the United States, because it was the only country where the experiment proposed for habitual drunkards had been actually tried. The Treasury gave no previous sanction to the expenditure incurred by these two gentlemen, but as they had come over in consequence of an invitation from the Committee, and in the firm belief that all their expenses would be defrayed, he, after having consulted with the Speaker and with other authorities of the House, although somewhat startled at the amount of the expenditure, and regretting that the Committee had not seen fit to make arrangements with the gentlemen referred to, before sending them the invitation as on the part of the Treasury, sanctioned the payments. He could only express a hope that in the event of witnesses from abroad being required in future the Select Committee would hold a consultation with the Treasury, before issuing an invitation to give evidence.

COLONEL WILSON-PATTEN said, he would suggest that a Standing Order of the House might be passed, requiring the consent of the Treasury in such cases.

MR. BOUVERIE asked if it was true that these gentlemen asked £1,500 for their expenses?

MR. SCLATER-BOOTH desired the hon. Gentleman to state more distinctly, whether the summons from the Committee had been sent to America, or whether it had not been issued till after they arrived in England?

MR. BAXTER said, the question suggested by the right hon. Gentleman opposite (Colonel Wilson-Patten) was, no doubt, well worthy of consideration; but it was a matter for the House rather than the Treasury. No such claim as was mentioned by the right hon. Gentleman behind him (Mr. Bouverie) had been presented to him. An additional £100 had been claimed by each of the two gentlemen; and, after consideration, had not been admitted—so that the original claim had been reduced by the Treasury by the sum of £200. The gentlemen were in America when their attendance was desired; but he was not aware whether the summons had been issued before or after the gentlemen arrived in England.

MR. HUNT asked if the hon. Gentleman would undertake that no such payment as this should be made in future until the authority of the House was obtained?

MR. BAXTER said, he thought the hon. Gentleman who brought this matter forward did good service to the public; and he hoped that what had passed would be a warning to other Committees, so that when anything of the kind was again proposed they would not fail to consult the Treasury before incurring expenditure on witnesses from abroad.

SUEZ CANAL—INCREASE OF DUES.

QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the proposed increase of the Dues levied by the Suez Canal Company, contrary to the spirit of the concession under which that Company was established, and to the interest of British Shipowners; if he is aware that the French Government claims jurisdiction in all questions which may arise between those who use the Canal and the Suez Company; and, whether this claim is not entirely in opposition to the existing capitulations? When the firman was granted for the Suez Canal, the term fixed for ships passing through the Canal was 10f. per ton, and that was calculated upon the net tonnage. The Suez Canal Company had made a new arrangement, which was to come into operation on the 1st of July next, whereby the toll would be calculated on the gross tonnage, and the difference would be this—the receipts of the Suez Canal Company during the last year were £475,000, but the receipts for a year under the new arrangement would be £1,335,000, making a difference of about £900,000 against British shipowners, because he believed that out of 100 ships that passed through the Canal last month 79 carried the British flag. The House was aware that M. de Lesseps was the originator of the Suez Canal Company. That Company was a Turkish Company, although the capital of it was subscribed by French people. Up to this time all questions arising between the Company and British shipowners were tried in an Egyptian Court, but within the last week or a fortnight notice had been given that such questions will be tried in the French Consular Court. That was a most important point, on which he desired a statement by the noble Lord.

VISCOUNT ENFIELD: Sir, the attention of Her Majesty's Government has been been called to the proposed increase of tonnage dues levied by the Suez Canal Company; but from information received from Constantinople, it appears that the Porte has required explanations on the subject from the Viceroy of Egypt. Her Majesty's Government are not aware that the French Government claims exclusive jurisdiction in the way described by my hon. Friend; but, after what my hon. Friend has stated, it will be my duty to make further inquiries on the subject.

TRAMWAYS (METROPOLIS).

QUESTION.

MR. LOCKE asked the Secretary of the Board of Trade, What course it is proposed to take in regard to the suspended Provisional Orders and Bills for promoting Tramways in the Metropolis?

MR. A. PEEL said, that having regard to the late period of the Session, and to the fact that a Joint Committee of both Houses were sitting on this question of tramways, it was proposed to further suspend the schemes for the promotion of tramways in the Metropolis which were now in suspension, and to extend that suspension so as to include all new Orders and new Bills of a similar nature. There would be one exception to that rule, in the case of the London, Streatham, and Croydon Tramway, which could scarcely be called a metropolitan tramway, since it proposed to run in a direction which was beyond the radius of the metropolis. The promoters had decided to prosecute their case before a Select Committee, and take their chance of success or defeat there.

ARMY—YEOMANRY AND VOLUNTEER ADJUTANTS.—QUESTIONS.

MR. NEVILLE-GRENVILLE (for Sir WATKIN WILLIAMS WYNN) asked the Surveyor General of Ordnance, Whether allowance in lieu of forage is included in the pay of Adjutants of Yeomanry at 10*s.* per diem; and, whether Adjutants of Volunteers have allowance in lieu of forage, exclusive of their pay at 10*s.* per diem?

SIR HENRY STORKS: Sir, the adjutant has in each case 10*s.* a-day pay. In the case of the Yeomanry, this pay includes forage, except when out for permanent duty, when he has 3*s.* a-day extra. The Volunteer adjutant has 2*s.* a-day all the year round. The Volunteer adjutant has other duties, on which account, I presume, his pay is higher.

Mr. BASS asked the Controller General of Ordnance, If he would state to the House why the Adjutants and Permanent Staff of the Yeomanry are not placed upon the same footing with regard to pay as the Adjutants and Serjeant Instructors of Volunteer Light Horse, the duties of the former being necessarily greater, besides their liability to be called upon at any moment?

Sir HENRY STORKS: Sir, the pay of Adjutants of Yeomanry Cavalry prior to 1861 was 8*s.* a-day, including 2*s.* a-day for forage. On the recommendation of the Committee appointed to inquire into the organization of the Yeomanry Cavalry, it was in 1861 raised to 10*s.* a-day, including forage, on the ground that Adjutants of Volunteers received such rate. In 1863, Adjutants of Volunteers were required to undertake the duties of paymaster to their regiments, and in consideration of that additional work, they were granted 10*s.* a-day exclusive of the forage allowance. The Adjutants of Yeomanry Cavalry not having as yet to perform any financial duties, their pay has not been raised to that of an Adjutant of Volunteers. The pay of a Yeomanry Cavalry sergeant-major is 2*s.* 2*d.* a-day more than a sergeant-major of Volunteers, the former being paid at the rate of 5*s.* 2*d.*, the latter at 3*s.* a-day only. Ordinary sergeants of Yeomanry receive but 2*s.* a-day and a contingent or clothing allowance of £2 per annum. Sergeants of Volunteers received 2*s.* a-day pay and 6*d.* for lodging and clothing. The duties of the former—that is, sergeants of Yeomanry Cavalry—are simply to drill the men periodically, while the duties of the Volunteer sergeants are without intermission.

ARMY RE-ORGANIZATION—ROYAL (LATE INDIAN) ENGINEERS.

QUESTION.

Sir CHARLES WINGFIELD asked the Secretary of State for War, Whether any and what decision has been come to in the claim of the officers of the Royal, late Indian, Engineers of the three Presidencies, for compensation, for the sums they would have received on retirement from the junior officers of their regiments, had the Army Regulation Act of 1871 not been passed into Law, on the same principle as was laid down in the case of the twelve non-purchase or Indian Regiments by Clause 4 of the aforesaid Act?

Mr. CARDWELL: Sir, the difference between these six corps and the 12 non-purchase regiments consists in this—that the succession of contributors in these six corps was arrested in 1861, and the former contributors were entitled to the benefit of Lord Cranborn's despatch. No provision was thought necessary for them under the Act of last year. The Law Officers have since advised in effect that the continuance of the arrangement among the still remaining officers is illegal, and hence a question of some difficulty has arisen, upon which I am now in correspondence with the India Office.

IRISH FISHERIES PROTECTION.

QUESTION.

Viscount ST. LAWRENCE asked the Chief Secretary for Ireland, Whether, inasmuch as a vessel is always granted for the protection of the Scotch fisheries, it is the intention of Her Majesty's Government, during the herring season about to commence, to send a steam gunboat to the east coast of Ireland, when boats will be assembled from England, Ireland, Scotland, and the Isle of Man, in order to check the illegal practices which it was proved took place there last autumn?

The Marquess of HARTINGTON said, he had just ascertained that orders had been given to send a gunboat for the protection of the fisheries on the east coast of Ireland.

SCOTLAND — PUBLIC LOAN COMMISSIONERS — ARBROATH HARBOUR LOAN.—QUESTION.

Mr. CAWLEY asked the First Lord of the Treasury, Whether the Lords Commissioners of Her Majesty's Treasury have, in conformity with a promise conveyed to the Trustees of Arbroath Harbour in a Letter dated 27th July 1871, now on the Table of this House, reduced the rate of interest on the loan of £20,000 therein referred to, from 5 per cent to 3½ per cent per annum, and extended the period for repayment from 20 years to 50 years, such loan being for the execution of works which the Public Loan Commissioners had decided were not such as to entitle the Trustees to the benefit of a loan at a reduced rate of interest under "The Harbours and Passing Tolls Act, 1861?"

MR. GLADSTONE said, that the first instalment of the loan of £20,000 had been paid. He believed the loan had been anticipated by the trustees on the faith of a promise contained in documents which were on the Table of the House, and in conformity with such promise, the rate of interest had been reduced, and the period of repayment extended. But the hon. Gentleman was mistaken if he supposed that something had been done in the case of the Arbroath Harbour Loan which had not been done in other cases. It was done in the case of the Tyne Improvements, in which a sum of £200,000 had been granted to the Tyne Improvement Commissioners. The policy pursued by the Government was in accordance with a decision which had been announced in the House, that every encouragement should be given by loans for the creation of commercial harbours in every case where these harbours would be of any utility in respect of refuge, even though they might not, strictly speaking, be harbours of refuge. The Treasury did not interfere with the judgment of the Public Loan Commissioners, but exercised on its own responsibility, the powers it possessed of reducing the interest on the loan and extending the time of repayment.

PARLIAMENT—CONDUCT OF BUSINESS —BISHOPS RESIGNATION ACT (1869) PERPETUATION BILL.

OBSERVATIONS.

MR. BOUVERIE said, he wished to remonstrate with his right hon. Friend at the head of the Government as to the conduct of Business on Friday upon an important measure — the Bishops Resignation Bill. That Bill stood for Committee on Thursday, and was then materially altered, being made a temporary instead of a permanent measure, the Bill becoming thus open to a large class of objections which the House ought to have had an opportunity of stating and discussing. The Bill was put down for a Morning Sitting on Friday for consideration on the Report, and came on just before the Adjournment, at 10 minutes to 7, in the time usually devoted to unopposed Business. The Report was considered; but, instead of putting down the third reading for a subsequent day, thereby affording an opportunity for discussion, the Bill was at once read a third time and sent up to the House of Lords; so that there was now no further opportunity of considering it. He was speaking more in sorrow than in anger, but the same course had been taken with another of the same class of Bills, in which his right hon. Friend took a special interest —the Act of Uniformity Amendment Bill —which was galloped rapidly through this House. He then asked for time to consider it; but his right hon. Friend stood firmly on the forms of the House, and he (Mr. Bouverie) did not then complain, because the forms of the House justified the course then taken. On this occasion, however, his right hon. Friend had overruled the forms of the House to smuggle the Bill through an important stage. He (Mr. Bouverie) came down to the House on Friday night in due time, as he supposed, to give Notice of an Amendment upon the third reading of the Bishops Resignation Bill, but, to his extreme astonishment, he found that the two stages had been taken together, and that he should have no opportunity of discussing it. With regard to unimportant measures which excited no controversy. the practice had lately been to take the third reading at the same time with the consideration of Amendments on the Report, but he was not aware that this course had been followed upon any Bill which had excited opposition. He hardly thought his right hon. Friend would have taken what he might almost call so audacious a step if he had known there was a *bonâ fide* opposition to the third reading; and he should like to have an assurance that the same course would not again be followed with regard to important measures, because the result must be to delay instead of advance the Business of the House.

MR. GLADSTONE said, his right hon. Friend might have intended to speak with mildness, but had been unable to refrain from hard words, for he thought it was rather a hard word to apply to Ministers to accuse them of smuggling a Bill through two important stages at once; but as he wished to give his right hon. Friend every satisfaction, he would take no further notice of the expression. The Bill had been made temporary, because being of an experimental character, it was thought wise that it should again be brought under the notice of the House before taking its place permanently on the statute book; and he was extremely sorry for what had happened, not having had the smallest conception that any Member wished to raise further objection. One question had been raised respecting the duration of the Bill; he was able to meet that wish and convert the Bill into a temporary measure; no notice of Amendments had been given; and nothing had been stated at previous stages of the Bill by his right hon. Friend, his hon. Friend (Mr. Kinnaird), or any other hon. Member, which conveyed to his mind that there would be opposition to any future stage. When the Bill was reported, he either asked, or it was signified to him, that it might be read a third time; and it was certainly convenient to remove from the Orders Bills as to which the Business was really over. He would see whether, if his right hon. Friend desired to raise any question upon the Bill, his views might not be met by dropping the Bill as it stood and introducing it in the Continuance Bill at the end of the Session.

Mr. KINNAIRD said, he was glad that the right hon. Gentleman (Mr. Bouverie) had brought under the notice of the House the way in which the Bill had been passed.

Mr. SPEAKER: The right hon. Gentleman the Member for Kilmarnock has addressed the House on a point of Order, and has received an explanation from the First Lord of the Treasury, with regard to the proceedings on the Bill adverted to. Further discussion upon the merits of the Bill itself, or upon the debates in this House regarding it, will now be irregular.

Mr. KINNAIRD, in explanation, said, he only wished to say that he had himself expressed to the First Lord of the Treasury his hope that there would be another opportunity of discussing the measure.

Mr. GLADSTONE said, that no such words as those mentioned by his hon. Friend had reached his ears.

Mr. BOUVERIE said, he was perfectly satisfied with the full and frank assurance of his right hon. Friend, and must declare that he did not intend to use the words the right hon. Gentleman had mentioned in an offensive sense.

SUPPLY—ARMY ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £45,300, Divine Service.

(2.) £26,400, Martial Law.

Sir COLMAN O'LOGHLEN wished to know whether the office of Judge Advocate General had been abolished; and, if not, what salary was attached to it, as the item in the Estimates was for £1,000?

Mr. CARDWELL said, the question of filling up the permanent office of Judge Advocate General was being reconsidered. The salary attached to the temporary office was £500 a-year.

Vote *agreed to.*

(3.) £247,700, Medical Establishments, &c.

Dr. BREWER wished to know what steps had been taken for introducing an improved system of dentistry into the medical service of the Army?

Mr. CARDWELL said, that all Army surgeons were required to have some knowledge of dentistry; but it would be very undesirable to draw away their attention from other matters in order to devote their minds to the study of dentistry.

Major ABBUTHNOT asked if any means had been taken to improve the flow of promotion in the medical service? Great disheartenment had been caused to many of the junior Army surgeons from the slow rate at which promotion went on.

Mr. CARDWELL said, that, no doubt the large additions made to the Army Medical Department after the Crimean War and the Indian Mutiny, much retarded promotion; but he might say that the whole subject was under the consideration of the War Office, with a view to see what it was most right to do in the matter, with a due regard to all existing interests.

Vote *agreed to.*

(4.) Motion made, and Question proposed,

> " That a sum, not exceeding £963,300, be granted to Her Majesty, to defray the Charge for Militia Pay and Allowances, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

Mr. HOLMS said, he must protest againt the Vote being proceeded with, as well as that for Public Buildings, until the question of raising the £3,500,000 which would be required for the Military Forces Localization Bill had been discussed. If, however, the Government would not assent to withdraw the Vote altogether, he should like to see a reduction made to the extent of 5,000 men; for, before those additional 5,000 men were voted, it would be well to see of what practical use their services were likely to be to us in the event of invasion. He had put questions to military men, from the highest to the lowest rank, on that point. He had asked them —"Suppose an enemy were to land on our shores, would you send the Militia to face them?" The reply was—"Certainly not." "Would you do so as a *dernier ressort?*" All said — "No." "Would you brigade them with the Regulars?" On that point a writer in *Blackwood,* who in his opinion displayed great judgment, said—

> "When you mix in the same brigade regiments in a totally different state of drill and discipline, the consequence is inefficiency, and you commit an act of injustice to both. If you chain a man and a child together, you will diminish the efficiency of each in his own sphere."

The brigading together of the Militia and the Regular Troops was then clearly not to be thought of. He would therefore ask the House to pause before they voted 5,000 additional men for the Militia. His Royal Highness Commanding-in-Chief, in making his Report on the Autumn Manœuvres last year, stated that considerable changes and modifications were, in his opinion, desirable in the case of the Militia, and that it was impossible, unless they were kept out for more than a month at a time, that they could be properly drilled; and at the same time His Royal Highness stated that it was impossible and undesirable to sever the men from their civil occupations. Practically, then, the Force was thought to be valueless, without certain changes which it was found impossible to carry into effect. There had been a set of questions sent out to the officers of Militia regiments in March, 1870, and they were asked whether if recruits were drilled for three or six months after their enrolment, it would have an injurious effect on recruiting for the Militia. Seventy-eight commanding officers replied that it would; 68 answered "No;" and 10 said it was doubtful. It was then pretty clear that we could not maintain in this country a Militia Force and compel them to go out for drill for three or six months. It was contended that we had been complimented by foreign officers on the way in which the Autumn Manœuvres had been gone through. Those foreign generals, however, only complimented the troops engaged in those Manœuvres in a modified form, for, while admitting the excellence of the Infantry, Cavalry, and Artillery, they added that this country ought not to trust to the Militia. As the Militia Force was composed of men from 16 to 35 years of age, the maintenance of that force was detrimental in this respect, that it kept those men from joining the Regular Army. It had also been recently observed by the hon. Member for Norfolk that a Militiaman who had a wife and family left them chargeable to the parish on undertaking his duties in the Militia, and the family almost invariably received outdoor relief. Consequently, there would naturally be felt no desire on the part of that class of the population to enter the Army at all. He believed that recruiting for the Army was at the present time almost at a stand still, and that we were still short of 1,000 gunners for the Artillery. The proposal of the Government to raise the number of men for the Militia to 139,000 was a mistaken policy, as it was withdrawing those men who would otherwise fill up the vacancies in the Line. Switzerland, which had hitherto in reality depended for its defence upon a Militia, had departed from that system, and desired now to have a regular and standing Army. They would shortly be asked to vote £3,500,000 to carry out the scheme of Army organization proposed by the Government, which, although received at first with something like approval, had become less and less liked by the public the more it had been discussed. The reason why that scheme had not improved upon acquaintance was, that, like many other things in this world, it had hardly carried out that which it professed. It proposed at first to give localization to our troops, to bring the Reserves in close connection with the Regular Army, and to do away with billeting. But what had become of the localization of the troops? Why, they were now told that the word "localization" was not to be understood in its ordinary sense in this case. They were to have under 300 men, one-half of them new recruits, at particular localities, from which when they were ready, they would be drafted to their own regiment; but that was not the localization the country expected. Neither had the Government given those combinations which were anticipated to result in permanent *corps d'armée;* while as regarded the Reserve Force being in systematic connection with the Army there was nothing of the kind to be found in the scheme of the right hon. Gentleman. The hon. Member for Birmingham (Mr. Muntz) recently hailed with delight the announcement that billeting was to be abolished, but he forgot that it was proposed to expend £255,680 in the erection of barracks for the Militia. Taking the estimate of those acquainted with infirmaries, each bed cost £70, which would only represent about 3,600 extra beds. That would only be the beginning of a much-increased expenditure, for the counties where depôt centres were not proposed to be established, would naturally wish to be as well off as their neighbours in respect of this accommodation. He would therefore ask the right hon. Gentleman if he were really determined to have a system of short service and a large Reserve; for if so there could be no necessity for going on with these buildings? At present there was barrack accommodation for 137,000 soldiers, and the new barracks would be equal to providing for 17,000 or 18,000 more. Now he submitted that with a large Reserve there was no occasion for erecting more barracks, for if they allowed a large number of soldiers to go into the Reserve, their barrack accommodation would be more than sufficient. In that case, he should like to know whether the Government really intended to go on increasing their Reserve Force. If so, why should they ask for an increase in the Militia? He would now only move that the Vote be reduced by £8,043, being the pay for 5,000 privates; the other points he had raised would follow the decision come to on that Motion.

Motion made, and Question proposed,

"That a sum, not exceeding £955,257, be granted to Her Majesty, to defray the Charge for Militia Pay and Allowances, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive." —(*Mr. Holms.*)

Mr. Holms

COLONEL CORBETT said, that he could not concur in the remarks of the hon. Gentleman the Member for Hackney as to the inutility of the Militia; and he thought it ridiculous to suppose that troops drilled so short a time as they were could be efficient, or able to take their place in line of battle. But that did not necessarily detract from the utility of the Force. He hoped more time would be given for drilling the men when first enrolled, for it was of the utmost importance to have them thoroughly grounded in the rudiments of drill. He hoped the necessary steps, therefore, would be taken without delay to get possession of the land for depôt centres, for if notice were not given before Michaelmas, operations could not be commenced before Lady Day, 1874. He altogether denied that the Militia interfered with the recruiting for the Army; from many years' experience he could say the very reverse was the fact.

COLONEL LOYD LINDSAY said, the deprecatory remarks made by the foreign officers who attended the Autumn Manœuvres had reference to the metropolitan, and not to the provincial Militia, and there was a great difference between the two as to the conditions under which each was drawn from the population of the country. In each county the adjutant had the most stringent instructions to acquaint himself with each man's place of abode and character; and if a man changed his residence he was transferred from the regiment of one county to that of another; but the men who formed the metropolitan corps were drawn from a floating population of many hundred thousands; and in the metropolis it was impossible to carry out any such instructions, the men being here to-day and away, no one knew where, to-morrow. Personally, he felt the greatest pain at what he saw of the metropolitan corps at the Autumn Manœuvres. The division to which he was attached, the 2nd, contained three metropolitan regiments, the 1st and 2nd Tower Hamlets and the 3rd Surrey. In the case of the 1st Tower Hamlets, the enrolled strength was 795, and the parade state 265; in that of the 2nd, the enrolled strength was 896, and the parade state 570; and in the 3rd Surrey, the enrolled strength was 803, and the parade state 526. In the three regiments, therefore, there was an enrolled strength of 2,494, and a parade state of 1,361; so that 1,133, or nearly one-half of the force was not available for service. From a Paper upon the training of the Militia which had been issued by the Secretary of State for War, it appeared that in the case of the 2nd Tower Hamlets Militia, 308 were absent from training, and of that number 191 were absent without leave. Now, on any particular day a man might be absent by accident; but to be absent from a whole training was nothing less than desertion. The 3rd Middlesex had 333 men absent without leave. Throughout the whole Militia, 8,144 out of 84,738, or 10 per cent, were absent without leave. Of course, it was well known that a Militiaman cost £10, while a Volunteer cost £2; and while he thought the services of the county Militia well worth having, he could not apply the same remark to the metropolitan corps, which were composed of men upon whom we could not rely. It was equally well known that at the Autumn Manœuvres the goods and chattels of contiguous regiments had to be closely watched; and on one occasion an officer of the Guards had to bring up his regiment to get a metropolitan regiment into a state of discipline, the name of which he would tell the right hon. Gentleman privately, if he desired it. He mentioned that because it affected a question of principle—whether we should continue to draw Militia from the metropolitan districts. The Duke of Cambridge, in his Report, said the *physique* of the men left much to be desired; that most of them were young—mere boys—requiring much care and attention to bring them to maturity as regards strength and general stamina, and, consequently, hardly equal to severe exertions; and it must be remembered that he saw the picked men of the corps, when half the men had been weeded out by the commanding officers because of their physical unfitness for service.

COLONEL GILPIN said, he thought that was neither the time, nor had he any inclination to discuss the merits of the principles on which the Militia was established; and although he was no party to the new scheme of the Secretary of State for War, yet, as it had been passed by Parliament and received by the country, he would do all he could to carry it out. One might suppose from what was said that the Militia had never served the country except at the Autumn Manœuvres; but it must be remembered that the Militia had borne their part in the history of the country. In 1852, when the Militia Bill was before the other House, the Duke of Wellington spoke very highly of the services of the Militia in the Peninsula, and more especially of the Militia regiments that fought at Waterloo. During the Crimean War, too, the Militia furnished us with 32,000 men to garrison the Mediterranean fortresses, and thus took the place of those that were called into active service; and such was the difference between training for 21 days and training when embodied for service, that the Militia at Aldershot or Gibraltar could not have been distinguished from the Regulars except by the colour of their lace. He believed, however, with the hon. Member for Hackney, that it was a mistake to send the Militia to the Autumn Manœuvres, for it was impossible for them, ill-equipped and short of officers, short also of non-commissioned officers as they were, to compete with the Line. With regard to the recruiting, it could not be expected that much could be done in that way during hay and harvest time; but he might state that in his district there had been three or four times as many applications to enter the Militia Reserve as the Secretary of State required. He believed that there were 30,000 men ready for duty, if their services were required; and now, by a recent Order, men of one year's service were encouraged to enter the Line, although it favoured something of the principle of robbing Peter to pay Paul. He regretted to hear that the Militia, at the last Autumn Manœuvres, had not kept up that high character which they had done when their services were required; but it could not be expected that men should become soldiers by instinct; they required longer training to make them more efficient. He was quite satisfied that, if the Militia only had fair play, and the opportunity of gaining experience, they would not disgrace the uniform they wore.

COLONEL RUGGLES-BRISE said, he was afraid from the observations which had fallen from the hon. Member for Hackney (Mr. Holms) with respect to to the Militia, that he derived his knowledge of the Force from Hackney alone, or at any rate, from the metropolitan regiments only. He believed that from the close of the Crimean War until the right hon. Gentleman opposite came into office the Militia generally found no favour at the hands of successive Governments, and while other Reserve Forces were petted, the Militia were thrown into the shade. If they had had proper opportunities they would be now more efficient than they were. But since the right hon. Gentleman had come into office, he was speaking the opinion of every Militia officer when he said that they were under great obligations to him for having taken the Militia by the hand. The improvements which the right hon. Gentleman had made and the facilities which he had given had very much tended to the increased efficiency of the Force. There was one thing to which he wished to direct the right hon. Gentleman's attention, and that was with regard to recruiting. He thought it was an erroneous policy not to take men when you could get them, or to limit the recruiting to any period of the year. He was not sure that the proposed arrangements as to military centres would be as popular with the Militia as it was supposed, and if too stringent a supervision was exercised, the Force would lose in popularity, and men would not be very much inclined to enlist. Though he did not stand up for the billeting system, still he thought that where billets could be had in private lodgings no injury could be done to the men. It was a great mistake to reject men who wished to be admitted to the Militia Reserve. They were the cheapest men that could be got. It had been said in the course of the debate, that the Militiaman cost £10 a-year, while the Volunteer cost but £2. But the Militia Reserve man cost only £1 a-year, and 30,000 Militia Reserve men at £30,000 would—without making any invidious comparisons, be a very efficient force and very well worth the money. In his own regiment, for instance, 180 men had offered to join the Militia Reserve, but only 80 of them had been accepted by the military authorities.

Sir HARRY VERNEY said, the Militia in the war with France were stated by the Military authorities of that time to be as efficient as men of the Line, and he was satisfied that they only wanted the advantages of the Regular Army to enable them to regain that reputation.

Colonel WILSON-PATTEN said, he agreed with his hon. and gallant Friend the Member for Bedfordshire that this was not the occasion to discuss the principles on which the Militia should be established. That had been settled in a previous Session. If it were the occasion, he might make some suggestions to make the Militia more effective. He thought the hon. Member for Hackney must have had little experience of the Militia from the manner in which he had spoken of it. No doubt their inefficiency during the last Autumn Manœuvres arose from the manner in which they were sent into the field, and from not having had a sufficient amount of drill. He was glad to find that the Secretary of State for War had this year taken the precaution of not sending out any Militia regiment to the Manœuvres unless it had received a month's immediately previous drill, and he had no doubt that they would be found much more efficient than the hon. Member for Hackney supposed. If it could be proved that a combination of the Militia and the Line was not the most efficient defence of the country let the system be abandoned at once, and let us have a permanent Army. He, however, believed the Militia service to be of the greatest advantage to the Regular Army. During the Crimean War 30,000 men who had been only partially drilled were able to take a most effective part in the contest. There was one point to which he wished to call the attention of the right hon. Gentleman, and that was that under the new arrangements, adjutants who, in the intervals between the annual trainings had occupied the position of commanding officers would now in the depôt centres be placed under the command of officers of the Line, of some of whom it might be almost said they were not born when those adjutants had entered the military service. He thought it would be no serious cost to the country, but an enormous advantage to the several adjutants, if the right hon. Gentleman would consent to increase their retiring pay, so as to enable them to quit the service at an earlier period.

Mr. WHITWELL said, the hon. Member for Hackney entirely misunderstood the scheme of the right hon. Gentleman when he supposed that the Army

Reserve was to be a substitute for the Militia. The Government were doing much to improve the character of the Militia; and he wished to assist them, by pointing out that it was desirable that Staff sergeants in the Militia should train Volunteers.

Mr. STANLEY said, the hon. Member for Hackney appeared desirous of doing away with the Militia before any positive assurance could be given that the Reserve Force would be found effective. Now, he did not think that there had been experience enough to show that the Militia Force could be thrown over. Whatever had been the conduct of the Militia on former occasions and in former wars, it had always been a powerful machinery in the hands of the Secretary of State; and the Bill sent to the other House the Session before last enabled the Government to do away with many technical difficulties which formerly stood in the way of the embodiment of the Militia. He wished to ask the right hon. Gentleman if in the course of the discussion he would be able to give the Committee any assurance respecting the various steps that were in contemplation, or being carried into effect, for the more complete amalgamation of the various Auxiliary Forces of the country? Up to the present time it was not known, he believed, how long it would take to carry into effect the detals of the amalgamation scheme, and it was important, he thought, that information should as soon as possible be given on that point. He wished also to observe that recent experience had strengthened him in the belief that it would be very difficult to get the old and new Staffs to work well together at the depôt centres. Without any disparagement to the non-commissioned officers who composed the Militia Staffs, he might suggest that they were men who, tired of the active life of a soldier, had determined to settle down in certain spots and to perform certain duties, and if they were now to be called on to perform duties entirely different from those which they had proposed to themselves, the probability was, that they might be led to think that they had been hardly used, and that their complaints would operate to deter others from similar employment. That he was afraid the right hon. Gentleman would find a formidable obstacle in the way of his amalgamation scheme. He hoped, he might add, that the right hon. Gentleman would consider whether he could not, if not in this, at all events in next year's Estimates, make some provision with a view to giving either pensions or gratuities to old Militia sergeants, so as to admit of their leaving a service of which they were tired, and the conditions of which were different from what they had been led to suppose. As to the adjutants of Militia, they suffered, in truth, not only from a lack of adequate retiring pensions, but from a grievance which, although it might be called sentimental, was still really felt by them—he meant the not being able to rise in their own regiments. He should like to know whether there was any good reason why that grievance should be continued? He should further wish to know from the right hon. Gentleman when the depôt centres and the amalgamation of the head-quarters would probably be completed?

Sir PATRICK O'BRIEN said, he wished to know whether the rumour that the appointment of subaltern officers in the Militia was to be left in the hands of the Lords Lieutenant of counties was correct?

Sir JOHN PAKINGTON said, he could not vote for the Amendment of the hon. Member for Hackney, and regretted the depreciatory tone which the discussion had assumed, so far as the Militia were concerned. He was desirous of seeing full justice done to that Force; and if they were at all open to any of the criticisms which had been passed upon them, it was not, he thought, so much on account of any faults of their own as because of the conditions under which they were brought into service. The selection of the regiments for the Autumn Manœuvres last year was not, perhaps, very judicious; but he should be sorry to hear that it was not intended to allow any Militia regiments to take part in the Manœuvres this year. As to the sum to be laid out on the building of barracks, he did not think the money could be better expended; one of the most valuable of the changes proposed by his right hon. Friend the Secretary for War being, in his opinion, the abolition of billeting; but how, he should like to know, could billeting be done away with unless proper accommodation were provided for the Militia regiments? One of the main objects of his right hon. Friend's plans this year was, he believed, to improve the efficiency of the Militia, and the depôt centres would no doubt afford them the advantage of being brought into contact with other troops. Many months had passed away since the right hon. Gentleman opposite had brought forward his plans of Army reform; but with respect to any details of the plans the House was pretty much where it was. He hoped, therefore, that the Minister for War would give them some further information respecting them. It would also be desirable if the House knew more about the localities of the depôt centres. The only object he had in putting these questions was the improvement of the efficiency of the Militia, and that was, he was sure, the great object at which his right hon. Friend opposite also aimed. With regard to raising the money required for building these barracks, the House ought to be told whether the Government intended to proceed by Bill.

MR. CARDWELL said, that the right hon. Gentleman (Sir John Pakington) was justified in saying that great injustice was done in impugning the efficiency of the Militia; and he had done him (Mr. Cardwell) no more than justice in stating that his chief object was to improve its well-doing. Last year the authorities were guided in the selection of the particular regiments to go to the Military Manœuvres by the lateness of the harvest, and it was feared that labour in the agricultural counties might have been interfered with if agricultural regiments were selected. With regard to the depôt centres, it was very desirable to make good speed with the plan relating to them. As a great many localities were desirous of pressing their opinions on the Government for consideration, it was thought necessary, for the success of the scheme, that they should not be shut out from the opportunity of expressing their views, and, accordingly, the Government gave them till the 1st of June to send in their observations, and immediately afterwards the Committee on the subject assembled to consider them. Though it was the opinion of the Chairman of the Committee that the questions remaining to be settled were not numerous or difficult in comparison with the greatness and complexity of the scheme, yet the questions had all to be considered in connection with each other; and, consequently, the Committee had not yet made their second Report; but he trusted that no delay would be occasioned by that circumstance, because the arrangement could not be carried into effect until the final Parliamentary sanction was given by Bill. In fact, he trusted that the passing of the Bill and the presentation of the Report would occur about the same time. With regard to guns he had to state that lieutenant colonels of the Royal Artillery had been sent to Shoeburyness for special training in the course of the winter. They had reported on the wants of their districts, and with some colonels of Militia they had lately consulted with the Artillery authorities as to replacing the old smooth-bore guns by rifled guns. As soon as the Committee reported on the subject, no time would be lost in carrying out the requisite arrangements. The hon. and gallant Member for North Lancashire (Mr. F. Stanley) had asked a question relating to the Staff and the adjutants of the Militia, and if he (Mr. Cardwell) were clearly understood as guarding himself against making any pledge as to demands upon the public purse, he might say that it was intended immediately to review the position of the whole Staff of the Militia, with a view of making it as effective as possible. In future, they would not have superannuated persons who regarded their pay as a pension, but both adjutants and the permanent Staff would be associated with the Regular Army. With regard to the Question of the hon. Member for King's County (Sir Patrick O'Brien), as to whether the appointment to first commissions was to remain with the Lords Lieutenant of counties, he had to reply that there was a provision to that effect in the Act of Parliament, and in his opinion it was a salutary provision. With regard to promotion the case was different. That would be in the hands of the military authorities, and particularly of the officers commanding the centre and district. Without saying that the military authorities were satisfied altogether with the appearance of some of the Militia regiments at the Military Manœuvres last year, he did not think that any good was gained by making sharp comments on the subject. The House had before it the very fair and candid statement of His Royal Highness the Commander-in-Chief, and by that statement he was prepared to abide, and he regretted that any observations should have been made going beyond His Royal Highness's Report. As to absentees, they were, of course, deserters; but the whole object of the arrangements now making was to put an end to anything unsatisfactory in the state of the Militia, and to increase its efficiency in future. With regard to the Militia Reserve, the Government were, of course, limited by the Vote of the House to the number of 30,000 men. He agreed in thinking that it might be a subject for consideration whether the number should not be further increased. According, however, to the last Return which he had received, the Militia Reserve amounted to 29,836, being only 164 deficient of the whole number of 30,000. With regard to barracks, it was not intended, as appeared to be supposed, to build barracks by wholesale. Billeting was to be got rid of by putting the men into such barracks as were available, and the remainder would be encamped on the adjacent 20 acres of ground surrounding the depôt centre. The present Motion of the hon. Member for Hackney was only a repetition of one he made earlier in the Session, when he obtained but a small body of supporters. The hon. Member seemed to stand almost alone in his attack on the Militia Force. His hon. Friend the Member for Hackney said that all military authorities had spoken in disparagement of the Militia; but who were they? The Duke of Wellington would surely be allowed to be some authority on such a subject, and he had spoken in the highest terms of the Force, which had contributed so largely to his success in the Peninsula, and which formed no small part of the force with which he won the Battle of Waterloo. What did he say on this subject? In the House of Lords on the 15th of June, 1852, the Duke of Wellington said—

> "What I desire—and I believe it is a desire the most moderate that can be formed—is, that you shall give us, in the first instance, the old constitutional peace establishment. . . . In the last war I had great experience of the value of several regiments of English Militia, and I can assure your Lordships that they were in as high a state of discipline, and as fit for service as any men I ever saw in my life."—[3 *Hansard*, cxxii. 730.]

Did the noble Duke expect that the Bill in favour of which he was speaking would at once produce such a Force? He was too wise a man to entertain that expectation. He said—

> "No doubt, if you begin with the formation of Militia corps under this Act of Parliament, they will in time become what their predecessors in the Militia were; and if ever they do become what the former Militia were, you may rely on it they will perform all the services they may be required to perform. . . . It may not be, at first, or for some time, everything we could desire, but by degrees it will become what you want—an efficient auxiliary force to the regular Army."—[*Ibid.* 731.]

What said General Sir John Burgoyne on the subject? His third proposition was—

> "That the main basis of a Reserve in this country must be the Militia, and every effort should be made to improve the quality of this service as much as possible, and to arrange, by pre-engagement of the men, for the means of rapidly transferring a certain number of them into the Line in times of emergency."

Now, that was precisely what they were now doing. In addition to the authorities he had then given, on a former occasion he had quoted from Lord Seaton on the same subject. He therefore altogether demurred to the opinion of his hon. Friend that all military authorities agreed in the disparagement of the Militia. It was quite true that they could not have in a short time a force as efficient as the Regular Army; but they could have a popular Force at a very small expense, and capable of becoming very effective if the time of emergency should arrive. His hon. Friend asked, if they had got a Reserve of 110,000 men already established, what was the use of the Militia? But they had not got that Reserve already established; nor could it be till the six years' men had passed out of the service. Then, it was said that recruiting had fallen off; but that was, so far as the Militia was concerned, an entire mistake. Besides, there could be no doubt that men would recruit for the Militia who would not recruit for the Line; in fact, many took the Militia as their yearly holiday, looking to the additional pay and the association. It was quite a different thing to recruiting for the Army, where the men knew that they might at any moment be ordered off to India or the colonies. His hon. Friend said he understood that the Artillery were 1,000 men short. That was not so. He believed the Artillery at this moment were not 300 short. Indeed, notwithstanding the large demand for the labour market, the point they had fixed had very nearly been reached. He admitted, however, that it was more easy to get drivers than gunners, because to move the great weights now required, gunners must be men of exceptional strength. In conclusion, he must energetically deny that he had in any way altered his views upon the subject of localization; and he hoped he had not occupied longer time than was necessary to answer the various questions which had been put to him; but the House having been so unanimous in maintaining the Militia on a former occasion, he hoped his hon. Friend would be satisfied with the discussion which had arisen, and would not press his Motion to a division.

LORD ELCHO said, he wished to say one word as to the Staff of the Militia. It had been suggested that the Staff of the Militia might be used for the Volunteers, or the Staff of the Volunteers for the Militia. He hoped no such amalgamation would be attempted by the Government. The class of men required were quite different, and when they were not actually on duty, they were generally engaged in shooting matches or something of that sort, which tended to improve them; and he felt convinced if any attempt of that kind were made it would signally fail. With regard to recruiting for the Artillery, he wished to know if it was not the fact that by inviting the Line to volunteer for the Artillery the stamina of the Line had been diminished? His right hon. Friend (Mr. Cardwell) had stated that, instead of the Artillery being 1,000 short, they were only 300 short, but the numbers might have been supplied from the Line. He admitted the attention and ability which his hon. Friend the Member for Hackney had given to the subject, but his present Motion was little more than a *rechauffe* of the debate on the Army Estimates. He (Lord Elcho) by no means thought with his right hon. Friend (Sir John Pakington) that the effect of this discussion would be to depreciate the Militia. He hoped that the cases where regiments had been found fault with for want of smartness in dress and accoutrements would be looked to, and that recruits would, if possible, be drilled for six months; and whatever might be said as to others, he must bear his testimony to the efficiency of the regiments —he believed they were the Edmonton Rifles—which were commanded by his noble Friend the Under Secretary for Foreign Affairs (Lord Enfield).

MR. CARDWELL said, it had been arranged that every regiment that joined in the Manœuvres should previously have a month's training.

MAJOR GENERAL SIR PERCY HERBERT asked, whether regiments which had not had a month's training would attend the Manœuvres?

MR. MITCHELL HENRY complained that the new regulations dealt unfairly towards the Militia surgeons. One of the grievances of those regulations was that, while they imposed additional duties upon them, they deprived them of the principal source of their income —the fees for the examination of recruits.

MR. HOLMS, in replying, said, his remarks about the inefficiency of the Militia at the Autumn Manœuvres were not dictated by any want of respect for that body. Their inefficiency was owing to the short training they had received, for all military authorities concurred in the fact that they could not make good soldiers out of any men who had only 28 days' training in the course of a year. As to Militia having been employed in the Peninsular War, it should be remembered that that war lasted for years, we had in those days, therefore, ample time to train men to fill up vacancies. These men, be it remembered, had to contend with men like themselves, not such as compose the European Armies of to-day. As to Militia employed in the Crimean War, the fact was that 61,000 Militia were called out in 1855, and of those 19,000 volunteered in one month to go to the Crimea. That fact he considered to be an additional argument in his favour, for he contended that those 19,000 men would have gone into the Regular Army if there had been no Militia. Inducements ought not to be held out to men to go into the Militia whom it was desirable to bring into the Regular Army. No hon. Member had said in this debate that the Militia was perfect as it was, and not one had said what time would be required to make a Militiaman a good soldier. The battle of Sadowa was only six years old, and after that and the experience of 1870, the House of Commons could not say that it would be satisfied with a 28 days', or even a three months' training, and he should be sorry to see 5,000 men added to such a force. The feeling of the House, however, was so manifestly against his Motion, that he thought it would be unfair to take up the time of the House by dividing upon it. At the same time he would venture to suggest to the Secretary of State that the bounty of 20*s.* per man for recruiting into the Militia should not be continued. It was, in fact, a bounty for going into the Militia and not into the Regular Army.

LORD EUSTACE CECIL said, he should like to know what time would be devoted to the training of Militia recruits?

MR. CARDWELL said, that already a marked improvement had been made in the Militia by the training they had received. As to the remarks made by the hon. Member for Hackney, he thought the whole question of recruiting with regard to the Militia and the Line required continual watching. So far, however, from wishing to see a separation between the two branches of the service he was always glad to hear of an increase in the number of Militiamen joining the Line, and hoped some time to see but one system of recruiting, by which men should first enter the Militia, and afterwards be passed into the Line. With regard to the question of the Militia surgeons, to which the hon. Member for Galway (Mr. Mitchell Henry) had called attention, what he had said before was this—that if there proved to be a just case for compensation when the new system was carried into effect, the Government, and he had no doubt Parliament, would consider it; but it was not for him to give any pledge on the subject.

LORD ELCHO said, he wanted to know whether there had been any such free interchange of officers between the Line and the Militia as the House had been led to expect when the question of the abolition of Purchase was under discussion, and whether any scheme of such interchange had been prepared?

MR. CARDWELL said, it was proposed to give to every Militia regiment the opportunity of recommending one of its officers for a commission without purchase in the Line every year. It was also proposed to allow a certain number of Line officers to pass into the Militia, these officers receiving half-pay for a limited time.

MR. M. T. BASS expressed regret that in a discussion of that kind the only way of abolishing difficulties between the Militia and the Line had never been referred to. In his opinion, the only way of meeting the difficulty was by a resort to a limited Ballot.

LORD GARLIES said, he wished to ask the right hon. Gentleman, whether the officers who were to come from the Line into the Militia were to come as captains, field officers, or what? Such an introduction of Line officers would create great discontent among the officers of Militia over whose heads they would be put.

COLONEL STUART KNOX said, he was of opinion that the proposed transfer would be of no great advantage to the Militia, as the really efficient officers of the Line would have no wish to retire.

MR. CARDWELL said, that the interchange would only take place to a limited extent; and that the Militia had been placed entirely under the Commander-in-Chief and the general officer in command of the district, and they were about to be placed under the officer in charge of the brigade centres.

MR. M. CHAMBERS, in allusion to the remark of the hon. Member for Derby (Mr. M. T. Bass) said, that if ever we were to have a Ballot, from the highest to the lowest should be included —from the Duke to the agricultural labourer. And if the higher classes were included they should not be permitted to purchase substitutes. He detested the notion of a Ballot for persons who were not inclined to enlist; nor did he think there could be any necessity for it. In the time of our Great War there was a ballot for Militiamen, but it did not apply to men of rank or riches, and if by chance they got included, substitutes were allowed to be obtained. As long as he was a Member of the House of Commons, so long would he protest against a ballot compelling young men to go into the Militia, unless every man, from the Peer to the peasant, was included. What did his hon. Friend mean by a "limited ballot?" Did he mean that a great man was to have the power to buy a substitute? It was nonsense to think of making soldiers of the Militia by 14 or 21 days' drill, and the

Government ought to have the courage to incur the expense of keeping them out for a longer period. They were good soldiers when they were embodied, at the time of the Peninsular and Crimean Wars, and it was as a constitutional Force and the great feeder of the Army that we ought to regard the Militia. Dressed in a coarse, dirty crimson cloth, which looked as if it had been dyed in a brickfield, the poor wretched creatures knew that they were objects of ridicule, and felt ashamed of their profession; but if the men were called out for a longer period, made efficient and dressed respectably, they would take that pride in their profession without which they could not become good soldiers.

Mr. M. T. BASS promised to give his hon. and learned Friend a satisfactory explanation respecting his allusion to the limited ballot.

Sir HENRY STORKS said, a Committee composed of Militia officers, and including two Members of that House and one Member of the House of Lords, had been sitting upon the question of clothing of the Militia, and had recently reported. But as it was thought desirable that the question of clothing generally should be taken into consideration, no decision upon that Report had been taken at present, but some resolution would be come to on an early day.

Mr. MUNTZ said, he must, in a word, answer the attack of his hon. Friend, the Member for Hackney as to his rejoicing in the abolition of billeting. He did rejoice in that step, and when that part of the Secretary of State for War's scheme came into operation he had no reason to doubt that the calculations on which it was based would turn out correct. He was always in favour of an increased Militia, and when it was perfectly organized it would be found that we could dispense with a considerable portion of our Standing Army.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(5.) £79,700, Yeomanry Cavalry.

Mr. NEVILLE-GRENVILLE complained that while Volunteer adjutants had 10*s.* a-day, 1*s.* for servants, 2*s.* for forage, and 2*s.* for lodgings, with other advantages, Yeomanry adjutants had to be content with 8*s.* a-day and 2*s.* for forage. They ought to be put upon the same footing.

The Earl of YARMOUTH took the same view, and said that two regiments of Yeomanry were without adjutants in consequence of the loss to which competent men would subject themselves if they accepted the appointment. Several officers had refused the position in the regiments to which he referred.

Mr. HOLMS said, the difficulty arose from there being too many distinctive Forces, and suggested there should be an amalgamation between the Yeomanry and Volunteers.

Mr. CARDWELL said, some arrangement would be made to meet the case corresponding with what was done with regard to the officers of the Militia. Supernumerary officers would be appointed to hold the adjutancy, receiving the pay of their rank.

Lord ELCHO said, the Committee of which he had the honour to be a Member was distinctly of opinion that the adjutants of Militia should be put on the same footing as the adjutants of Volunteers. The Yeomanry and Volunteers could not be amalgamated, as the hon. Member for Hackney had suggested, without entirely recasting the Force, because the Militia were paid and the Volunteers were not. He wished the Secretary for War would carry out his own intentions and make the Yeomanry more like the old dragoons, or like the Hampshire Horse. The opinion of distinguished Artillery officers, who had seen the Hampshire Force at drill, was unanimously in favour of the number being increased, and the importance of such a force in arresting the progress of an enemy through the country. At present there were only 40, and unless something was done they would soon disappear entirely from *The Army List.* This, he believed would be a great misfortune, not because of their number, but because they formed a nucleus which might be rendered valuable, and he trusted, therefore, that his right hon. Friend would turn his attention to the subject and do what he could to prevent such a result.

Vote *agreed to,*

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £473,200, be granted to Her Majesty, to defray the Charge for Volunteer Corps, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

COLONEL C. H. LINDSAY rose to call attention to the critical position in which the Volunteer service has been placed in consequence of various rules and regulaions which have recently been issued for its guidance, being prejudicial to that character and condition of that service; and to move, That the Vote be reduced by the sum of £2.000, on account of miscellaneous charges. The hon. and gallant Gentleman said, nothing but a sense of duty which he felt he owed to the great cause of national defence had prompted him to put the Motion on the Paper; but as one of many commanding officers who had had some considerable share in the rise, progress, and development of the Volunteer service, the composition and constitution of which had been familiar to everyone for the last 12 or 13 years, and as some violent, and, as he thought, unnecessary changes had recently been introduced into the system upon which it had hitherto successfully worked, he desired to express his opinion and with all respect, upon what he thought was the critical position of the service, in consequence of the arbitrary and prejudicial character of those changes. It appeared to him, then, that the time had arrived when there should be some clear understanding between the Government and the commanding officers of Volunteer regiments, as to the real position which they were intended to hold for the future, as men who were still devoting their time and their money for the credit of their country. That was the question, and upon its solution would depend what action they might deem it expedient to take. It was not difficult to imagine what effect the new Regulations to which he especially took exception would have upon the future condition of the Volunteer service; for he ventured to say that if they were enforced as they now stood, there would not be half-a-dozen regiments in London, or many more than that in the country, in a creditable existence by the end of the year. He confessed he was alarmed at the compulsory character of some of the changes, inasmuch as there were two death-warrants, so to speak, contained in the new code to which he should direct the attention of the Committee. In the first place, he readily admitted that the fundamental principle or object upon which the new code was based was a right one—namely, the attainment of a higher standard of efficiency than at present existed—and he should be glad to see it higher than it was, if it could be accomplished without prejudice. But he had always maintained, and did still, that in the absence of privileges and inducements in time of peace—such, for instance, as exemption from the Militia, ballot, and serving on juries — it was impossible, even if the enrolments were to be maintained at their minimum. Indeed, he had always considered what he might call the popular opinion so often expressed upon the necessary increase of Volunteer efficiency to be superficial, and as evincing a want of due reflection; for it was obvious that in a service composed as it was of men of business, whose time was not their own, any attempt to enforce rules which the right hon. Gentleman the Secretary of State for War had often been told could not be complied with, without prejudice to the business habits and calling of the members, would create dissatisfaction and discontent, and consequent disaster. He might be told that there was no such thing as compulsion laid down in the new code. That was true in the strict sense of the word; but it was tantamount to compulsion if the inability for men of business to comply at times with the vital requirements of the code involved the most serious and degrading consequences to the position of every regiment or corps—consequences which, he should say, no commanding officer could be prepared to meet, and retain his command. Now, there was a stale argument which was so often thrown in one's teeth, and it was this—that because the Volunteer service received a certain amount of aid from the State it should be, as a matter of course, more amenable to a discipline of some sort which was to raise the standard of efficiency—which meant more frequent and more fully attended parades and drills. Now, he held that this argument was untenable, because the capitation grant was given as a recognition of loyalty and patriotism already displayed, which was considered to be worth the expenditure, and not as a retaining fee for an impossible increase of efficiency in time of peace. He considered that such rules as those to which he was taking exception were framed upon superficial knowledge which was no knowledge at all, and the result was—a pressure which amounted to compulsion. Commanding officers felt, or ought to feel, that the Government was legislating upon a wrong principle, by making the good and true suffer for the shortcomings of the careless and worthless; whereas if the Government really wished to maintain the force in its integrity and its highest probable efficiency, they should, at all events, take the commanding officers into their counsel, and gain valuable information which would convince them of the existence of so many difficulties which crop up at every turn, and the impossibility of removing them. Now, it appeared to him that if commanding officers were to be tied and bound in the manner suggested, the great majority of them would exclaim—"relieve us of our position; we are unable, with any credit to ourselves or satisfaction to the Government, to co-operate with the right hon. Gentleman upon the terms which he has laid down in his new code." Now, that was the document which, as he thought, contained the death-warrant of some of their best regiments in London. The document was headed *Auxiliary and Reserve Forces Circular*, with a superscription to the effect that it was dated 28th of May, and that it was to be understood to take effect from the 1st of April; and as it was not issued until the 5th of June, he should be able to show that it was an unfortunate arrangement if it were enforced. It was not his intention to criticize the regulations which referred to the regimental officers of the Volunteer service, because he did not think there was any undue pressure put upon them as regarded their proficiency as officers, provided that it was not overstrained; but he must refer to Clause 31, paragraph 1, which provided that captains of companies of consolidated battalions were to have the power of ordering their own company drills and parades without reference to the commanding officers of those battalions. He would at once ask the right hon. Gentleman whether he really intended that rule to apply to consolidated battalions, or only to corps of administrative battalions? and he would be glad if he would inform him before he proceeded.

Mr. CARDWELL said, it was equally intended to apply to consolidated battalions as far as he understood it.

Colonel C. H. Lindsay

Colonel C. H. LINDSAY said, if that were so, it would be a most unfortunate arrangement, for it would give the power to the captains to order their parades irrespective of their commanding officer, which would upset the regimental system and prejudice the commanding officer's position, which must never be interfered with; besides which it would defeat the great object which the right hon. Gentleman had in view—namely, the raising the standard of efficiency; as it would interfere with the attendance at the battalion parades, and tend to reduce the standard of efficiency—for he maintained that men of business could not spare more than a certain amount of time for drill and parade in the course of the year. With respect to the rules with regard to Quartermasters, he did not consider there was any undue pressure. But with respect to the Medical Officers, he was at a loss to conceive why a body of gentlemen who were, under the existing system, necessary to the establishment of their regiment—gentlemen of high class professional attainments, and who were by no means easy to obtain—he was at a loss to conceive why those officers were suddenly to be called upon to undergo additional tests to those which gave them their diplomas for medicine and surgery, when they entered their profession—for he found, in Clause 31, paragraph 5, that they were to be examined before a board of the principal medical officers of the district, and two other Army medical officers. Now, he considered that that raised an important and delicate question, and one which would deprive the service of valuable men, whom it would be very difficult to replace. And it was one which appeared to him to display a want of knowledge of the professional responsibilities of medical men who were civilians; and, from what he understood, they would not be likely to submit to any test examinations for commissions which they felt and had expressed to be unbecoming their status in the profession: he felt no doubt, therefore, that if that rule were enforced their services would not be much longer at the disposal of the commanding officers. Then he found in Clause 43, paragraph 1, under the head of medical attendance, that the surgeon was to attend professionally the adjutant and his family, and the assistant-surgeon to attend the sergeant-instructors and their families, and find medicines, receiving an allowance of 2*d.* a week for each person, the term family to include wife, unmarried daughters, and sons under 16 years of age; so that if that rule were enforced those gentlemen who were in full civil practice were to enter into a contract, as it were, with the Government, at the rate of 8*s.* 8*d.* per head per annum, to attend upon an unlimited number of persons and find an unlimited quantity of medicine in the bargain. He thought it would be far better for the Government to pay the 2*d.* to the adjutant and his sergeants, and let them find their own medical advisers. It was for these reasons that he objected to the item of £2,600 for medical attendance. He had next a word to say respecting that important department, the Sergeant Instructors, to whom a whole clause of 18 paragraphs had been devoted. He was glad to find that they were left in the same position as before, and he trusted that their position might never be disturbed, notwithstanding what fell from the hon. Member for Kendal (Mr. Whitwell), and also the opinion that was expressed in the Report of the Organization Committee, which was published in February, Sction 26, page 6, which appeared to him to exhibit a want of knowledge of the duties they had to perform in the regiments to which they were attached; for it gave its opinion that the large staff of sergeants which would be attached to the depôt centres might be, for the sake of efficiency and economy, made available to a large extent in diminution of the numbers of Sergeants Instructors now employed in instruction to Volunteers, and it considered that the yearly drill of Volunteers should be concentrated within certain limits of time. He confessed that he also disliked the view which was taken by the same Committee on Section 28, which was to the effect that the captains of companies and corps should be responsible for the proper care of their arms, and drill their men at any time throughout the non-training season. Now, the object of that was clear—namely, to do away with the Sergeant-instructors altogether. Now, he maintained that if such an idea were to be realized at any future time, it would simply convert the captains of companies and corps into so many acting sergeant-armourers and instructors, which would be by no means acceptable to those officers, who had already plenty to do if they did their duty, and who were already by no means easy to obtain. He also thought that the same Committee showed a singular want of reflection in the opinion it expressed in Section 29, to the effect that it was desirable that the arms of Volunteer corps should be stored at depôt centres. Now, everyone knew that, unless the men had their arms in their possession, a great falling off both at parades and at the butts would be the result; and the standard of efficiency instead of being raised, would be considerably lowered. He had now to allude to the death-warrants—as he must call them in the code—which were contained in Clauses 35 and 38, and as they were of the same character, he would take them together to save time. They alluded to the special brigade drills and the annual inspection. The one laid down that unless one-half of the enrolled men were present there should be a penalty, which was the forfeiture of the whole or a part of the capitation grant for the ensuing year; the other—namely, the inspection, that unless two-thirds of the enrolled members were present the inspection should be postponed. He had nothing to say against the requirement that Volunteer regiments should attend one or two special brigade drills in the year, or that they should be inspected at a given time and hour — indeed, as far as he was concerned, he should be better pleased to have half-a-dozen such drills in the course of the year—nor would he have objected had there been an instruction to the effect that if not less than one-half in one instance, and two-thirds in the other were present, an unfavourable report would be made. But when the failure in obtaining those minima was to be visited by a tremendous penalty, he had no hesitation in denouncing such "hard-and-fast lines" as intolerable to Volunteers, and under which no regiment could continue to serve with credit to itself or to the country. And to render the position more alarming these Regulations were to take effect from a date considerably anterior to their publication and issue. What was the consequence? It was this—that the various metropolitan regiments, with one or two exceptions, which had by order taken part in special brigade drills between the 1st of April and the 4th of June—his own amongst the number—had, according to the letter of the law laid down in the official code, forfeited their capitation grant for the ensuing year. Surely the right hon. Gentleman did not intend to enforce such a penalty; and, if not, why did he make it? for he could not have contemplated so unwarranted a state of things when he made his regulations retrospective. It could not have entered his mind that the effect of such an ante-date would be to degrade and reduce to bankruptcy all those regiments who had unconsciously fallen into the trap; to say nothing of the ridicule that such a position would entail. He held that such rules were not compatible with the well-being of the service, and it was trifling with the position which commanding officers desired and were entitled to hold. He did not think the right hon. Gentleman could be aware of the humiliating position in which he had placed commanding officers by such a ruling. Did he not know that they were not only responsible for the funds of their regiments, but also for the expenditure of the ensuing year?—and did he not know that they had frequently to make advances, or borrow money from their bankers in anticipation of the capitation grant, which by those rules was, from accidental circumstances over which they could have no real control, to be forfeited by a stroke of the Minister's pen? As an old commanding officer, he protested in the strongest terms against so arbitrary a pressure, and he had no hesitation in saying, that if those rules laid down in Clauses-35 and 38 remained in force and were to be retrospective—which no penal rules ought to be, and never were before—a large number of metropolitan regiments, and many others no doubt throughout the country, would be simply ruined, besides the utter annihilation of almost every working-man corps, or, in other words, more than half of the Force. Then with regard to the inspection, the *sine quâ non* of which was, that if two-thirds were not present it was to be postponement. What would be the result of such postponement? It would be tantamount to no inspection at all that year, because after the exertions and sacrifices of time and wages that had been made in the first instance, it would be out of the question to count upon so many attending in the second instance, with the chance of being again thrown over by absent comrades, and without an inspection there could be no capitation grant. The capitation grant was the authorized income of the regiment. It was earned by an honourable contract between the Volunteer and the Queen; and if that contract were broken the punishment would fall upon the commanding officer and the whole regiment, whose certificated efficiency would be blown to the winds for the inefficiency of a small number. Such a course would not promote enthusiasm for a cause which proved so thankless. He asked, was the country prepared with its sanction to support such a judgment? If it was, let it say so through its public journals. Was the Government prepared to take this responsibility? If it was, let the Secretary of State for War accept the challenge he now gave him, to say so when he replied; and upon his answer, and upon the opinion of the country—both of which he challenged from his place—must depend the fate of this hitherto remarkable institution; an institution which had stood the test of time and criticism, and which, according to the opinions of all the general officers of the day, was still treading the path of improvement. The 13th paragraph of the 36th clause referred to the application of the Mutiny Act and the Articles of War to the Volunteers in time of peace, when brigaded with the Militia and Regular Forces. He had always held a strong opinion upon this policy which was inaugurated last year, and he had no hesitation in saying that he considered such application in time of peace as a mockery, upon the Act itself, an insult to the Volunteer service, and a farce in every sense of the word. It was a mockery because it was unworkable with a body of men who by the Act in question could not be under martial law except in case of invasion or threatened invasion, and because the penalties which were imposed only applied, in nine cases out of ten, to men who received pay, and they were chiefly confined to stoppages of pay. It was therefore inapplicable in every sense of the word to Volunteers, because they received no pay. It was an insult, because it implied a want of confidence in the discipline of the Volunteer Service when brigaded with the Militia and Regular Forces. Now, it so happened that the general discipline of the service had been favourably reported upon by all the General Officers who had inspected the Volunteers, and as commanding officers had literally more summary power over insubordination than the Mutiny Act itself, it was treating the Volunteers as nothing more or less than common soldiers; and all for what?—for the purpose of obtaining uniformity, and not because the ends of discipline had been defeated by the absence of its application. Now, to exemplify the farce of the whole affair, the Mutiny Act, though ruled by paragraph 13 of the clause, to be applicable was evidently not intended to be practically applied, simply because its provisions could not possibly be carried out for the reasons he had given. It became law last year previous to the Autumn Manœuvres. But it was never read or ordered to be read at the head of any battalion, according to the custom in the Army. No copies of the Act or Articles of War were issued; and, he ventured to say, there was hardly a man of the 5,000 who were there who had the slightest idea whether he was under the Mutiny Act or not, or what the penalties involved were. In conclusion, he wished to ask the right hon. Gentleman the following pertinent questions—namely, Whether he had realised the very severe blow which he had assumed to himself the power of inflicting upon the Volunteer service, if he intended to enforce those rules to which he had especially referred, to say nothing of the personal liability which he had also assumed to himself the power of imposing upon the commanding officers? And whether he was aware that, by the action he had taken, he was interfering with many important interests, which ought not to be disturbed at the will and pleasure of any Minister; that was, by putting this high pressure upon the safety valve, if he might so call it, of an institution which had long ago gained the confidence of every Government as a great constitutional bulwark of national security? He would content himself with alluding to two of those important interests which were enough for his purpose. One was the National Rifle Association, and the other was the great training school which had for some years been established by the Volunteer service throughout the length and breadth of the land. With respect to the National Rifle Association, he would rather leave the subject to the noble Lord the Member for Haddingtonshire, who was the prime mover and promoter of that significant institution; but he ventured to say this much—that as the existence and continuance of the National Rifle Association, which was the immediate offspring of the Volunteer movement, depended upon its healthy and undiminished position, any policy which could have the effect of prejudicing its interests and character would be a most unfortunate one. And with respect to what he called the training school of the nation, he was sure that the Committee would agree with him when he said that the Volunteer movement had established a system for training the young men of the country in a marvellous degree—for go where one would there was a drill shed and rifle butt in almost every large parish belonging to the Volunteer Corps of that locality—giving thereby an almost nightly opportunity to those who felt inclined and could afford time to drill and receive general training. The consequence of which was, that since the year 1859 nearly 500,000 trained men had actually passed through the ranks of the Volunteer Service; and they had done so with the fullest intention of returning to their former regiments which gave them their training, should necessity require them, which of itself would be a prospective reinforcement of great significance placed at the disposal of the Government and the country at a moment's notice. He asked, was not that an important interest to preserve unassailed? and he wished to point out how valuable was the action and the result of this great training school, and how important it was that the Volunteer rank and file should be continuously passing in and out of their corps, and thereby prepare the citizens of the nation for any emergency. He said, therefore, do not disturb the well-considered and well-working system which had been established by the Volunteer movement, and which had gained the confidence of the country. Having now alluded to the points which he thought not only objectionable but fatal to the service if it was to be maintained, he could not sit down without urging the right hon. Gentleman to reconsider these violent changes, which, in his opinion, would shake it to its very foundation. He would urge him to do so because if he pressed these changes as they stood, he would simply be cutting ducks and drakes with a cause which he felt confident the country would regret to see collapse under an impossible pressure. He trusted, then, the right hon. Gentleman would do as he asked him, and modify the clauses and sections in question in such a manner as to be satisfactory to the commanding officers, who were, at all events, the key-stones of the various units of the great fabric of national defence, and who had been placed in a false position — a position which would be rendered untenable owing to the one turn too much of the screw which had been applied to one of the most remarkable movements of modern times.

Motion made, and Question proposed,

"That a sum, not exceeding £470,600, be granted to Her Majesty, to defray the Charge for Volunteer Corps, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."—(*Colonel Charles Lindsay.*)

Mr. KENNAWAY said, he thought that the Volunteer Force ought to feel indebted to the hon. and gallant Member (Colonel C. Lindsay) for enabling the Committee to discuss these regulations, which must have a great effect for good or evil on the future of the Volunteers. With respect to the inspection, he felt that the hon. and gallant Member had hit a blot when he directed attention to the rule requiring the attendance of two-thirds under very severe penalties. In his opinion, seeing the great difficulties that existed as to procuring that attendance at certain times, he thought the rule too stringent and the penalty too high; and that it would be better in case two-thirds were not present to provide that the absentees should get no money. With regard, too, to the two hours' question, it seemed to him that the time was unnecessarily long, for his corps was inspected last year by companies within the hour. The Volunteers would be very jealous of any interference with their serjeant-instructors, and if the men were at any particular time deprived of their serjeant-instructors it would be a great discouragement to them. At the same time, he should be sorry for it to go forth that the Force was dissatisfied with the whole of the regulations, and he believed that they would satisfy those Volunteers who wished the Force to be more than a sham. The efficiency of officers was always a weak point, because those who knew their duty were not always prepared to give up their time to the service, or had not always the confidence of the men. Still, it was right to lay down the rule that the officers must be efficient—that was, that they should know how to command their companies; and he was glad that a certificate of efficiency was to be required, for he thought no one ought to obtain a commission who could not satisfy the requirements necessary to procure it. He was of opinion that they would never make anything like soldiers of Volunteers until they got them into camp; but in such a case a greater allowance ought to be given them on account of the heavy burdens they were subject to. With regard to shooting, he was of opinion that when once a Volunteer had proved himself a good shot, he ought not to be put to the inconvenience of going to the target every year. As the officer of a company, and one who was deeply interested in the movement from the first, and strongly convinced of the great additional social and hygienic benefit it had conferred on the country, he ventured thus to trespass on the attention of the Committee, and to express his confident expectation that those points dwelt upon by his hon. and gallant Friend would be carefully considered by the right hon. Gentleman the Secretary of State for War.

Mr. P. WYKEHAM-MARTIN said, he believed these regulations would in the main be beneficial. Having gone through them with the corps to which he had the honour to belong, he must say that he had not heard the slightest disapprobation of or dislike to them expressed by any of the men. The battalion to which he belonged drilled together at Dover—a long journey out and home of 40 miles—for which he was entitled to receive 1*s*., but of course it cost a great deal more than that. The matter was one which did not affect himself, but it did affect other members of the corps, and he wished to know whether matters could not be so arranged as to enable a brigade drill to be counted as one of the battalion drills necessary to make a man efficient? Section 59 of the regulations, too, would press hardly on officers in certain cases. Was he, under that regulation, to be deprived of his commission if he did not attend, because the Committee of Selection might insist on his attention to his duty as a Member of that House?

MR. CARDWELL explained. The 59th rule only applied, unless it was represented that there were special reasons for its relaxation. With regard to brigade drill, it was intended that it should count as battalion drill. The expenses referred to by his hon. Friend would be done away with when the centres were established.

COLONEL WILSON-PATTEN observed that the Committee of Selection had already given leave of absence to his hon. Friend that Session, to enable him to attend to his Volunteer duties.

COLONEL BARTTELOT said, he wished to make a few remarks on this important subject. He was not going into the details of what his hon. and gallant Friend (Colonel C. Lindsay) called the "code." If it was thought right and wise and prudent to impose that code, they must do what they were ordered to do, or they would become useless to the country, which would not have that confidence in them which they hoped and believed it had. If the Volunteers were to be an efficient portion of our auxiliary force, they must have more discipline than they had yet had. He did not say that they showed a want of discipline; but they had not learnt that military discipline which men called out with arms were bound to learn and have. They could not teach men all those little *minutiæ* of discipline which were absolutely necessary without having them under more control than heretofore, and it was impossible that such discipline as was necessary could be acquired in the case of men who were at liberty to come or go as they chose. The best thing, therefore, that could befall the Volunteers would be that they should be called out for six, seven, or eight consecutive days, and then the officers and men would learn what discipline was, and what they had to perform. Then, with regard to the Mutiny Act, he maintained that no good Volunteer would be afraid of going out under it. [Colonel C. LINDSAY: How will you punish them?] They could place a man in a guard-room and deprive him of his arms, and to a Volunteer that would be a greater punishment than anything they could do to a man of the Line or of the Militia. He hoped the right hon. Gentleman would declare, as soon as he conveniently could, what he ultimately intended the Volunteers to do—how the Militia, the Regular troops, and depôt centres were to be brigaded together, and when they were to be called out. If the right hon. Gentleman did that—and he believed he would try to do it—he would have done good service not only towards the discipline of the Volunteers, but to promote and maintain good feeling between Volunteers, Militia, and the Regular Army.

SIR HEDWORTH WILLIAMSON said, that as one of the Volunteer Artillery officers who had attended at the War Office the other day, he was perfectly satisfied with the disposition then shown to meet their legitimate wishes. Still, his right hon. Friends the Secretary of State and the Controller must take care not to be led too much away by his hon. Friend below on their right hand, for in that case they would be obstructing the Volunteer Artillery in their endeavours to make themselves a thoroughly efficient force. There were two or three trifling things which caused inconvenience, some small attempt which showed too great a disposition to stint them. He commanded an Artillery corps of 120 men; if they were allowed to have one 40-pounder Armstrong gun, he believed they could man and horse it with great efficiency. But he was told that one gun was not a unit of artillery —two guns were the unit of artillery; and, of course, if they could not have one, they were not likely to get two. He thought it a pity, because there happened to be some regulation laid down at head-quarters of two guns being the unit of artillery, that an efficient though small corps should not be able to compete with a larger but not more efficient corps in the neighbourhood. He hoped the Government would consider the claims of the small corps, and that no red tape system would be allowed to interfere with their efficiency.

LORD ELCHO said, he was not satisfied with what the Government had done as regarded the Volunteer Artillery.

36,000 of these men were a great element of national strength; but the Government had withdrawn the field artillery, one plea being that that required skilled artillerymen, and that Volunteers could not be sufficiently skilled for field service. Now, the field artilleryman was comparatively a labourer, while the garrison artilleryman, with the mechanical appliances to work the guns, was a skilled mechanic, so that a Volunteer was more likely to be efficient in the former than in the latter capacity. The other plea was, that Volunteers could not horse the guns and find drivers. Now, whatever the amount of field artillery, it could never bear a proper proportion to the large number of men of different forces on the Estimates; and if the field artillery was decently horsed and driven, the greater the proportion of artillery the better our position. He had been anxious for the testing of the field artillery in the field at the late Manœuvres to see whether they were worth maintaining; but that had not been done, though 100 guns of field artillery cost no more than 10 of other artillery. It was now stated that the field batteries of Volunteers were to be withdrawn, and that they were to serve as garrison artillerymen, and also, he believed, as batteries of position. Now, anybody who had attended the Brighton reviews must have been struck by the way in which the heavy guns of position, after being drawn 30 miles in a day by agricultural labour, had taken up any position, however difficult, to which they were ordered. That important system cost the country nothing, the agricultural horses being lent by the farmers. It had been established 10 years in Sussex; why had it not been established in other counties on the coast? He was aware that that was in process; but it might have been done long ago. The right hon. Gentleman's attention was directed to it two years ago, at the outbreak of the late war, and he was urged to take the necessary measures. The objection taken was, that it was a large question; but that he denied, all that was wanted being a circular to the Lords Lieutenant of the coast counties, asking them to communicate with the farmers and gentry, and the artillery corps. That would be an inestimable element of national strength, for he believed an invasion would be almost impossible in the teeth of guns moved in this way through the country. His hon. and gallant Friend (Colonel C. Lindsay) had entered very fully and temperately into the question of the new code, and without going into details, he might say that, generally, the feeling in the Volunteer Force was very much that expressed by his hon. and gallant Friend. He differed from him as to the rule that all officers below a certain grade, however long they had served, should go before a Board and be examined, or lose their commissions. Now, formerly, Volunteer officers were consulted by the authorities before new regulations were issued, and five years ago Colonel Erskine, who, apparently because he was a good administrator, had been turned adrift, asked his opinion on this point. His answer was, that he was willing to have the inspecting officer say whether he was fit to command, but was not willing, at his time of life and after the years he had served, to go before a Board, neither was he prepared to say that he would be able to answer, according to the new code, the exact position of the little finger of his right hand in musketry drill. The country had a right to demand efficiency, but that should be tested in a practical way, not by an examination in which the bookman answering questions by rote might pass, and the more practical man fail. It was then arranged that the inspecting officer should examine a commanding officer in the field and certify as to his fitness, in which way he obtained his certificate, and he contended that, whatever the rule as to the future, the present captains, lieutenants, and ensigns should be tested in the same manner. Right feeling towards men who had discharged voluntary duties for years dictated that course. As to the regulations generally, the Prime Minister six years ago, at the time of the Reform debates, defending the dictatorial way in which he had treated certain Members and the House, said he and his Colleagues had done so because they knew the sort of men they had to deal with. [Mr. GLADSTONE dissented.] He distinctly remembered the remark. This Government had two faults—the pedantry of officialism and absolute ignorance of human nature. The latter was exemplified by the Prime Minister early in the Session, when he insisted upon his construction of the Washington Treaty on grammatical grounds. The same ignorance of human nature had been exhibited in the rule relating to the surgeons of the Volunteer corps. As instanced in the case of Sir William Fergusson, who was honorary doctor to his (Lord Elcho's) regiment, men of great professional distinction volunteered for the service—men who had taken medical degrees at the best Universities. Was it to be supposed they would submit to an examination at the hands of Army surgeons whom they regarded as inferior in professional standing? The rule as regarded the minimum muster, too, showed ignorance of the working of the Force. When a brigade was contemplated, it was necessary to fix upon a day which, in his own case, would suit five different corps. Was it right that the grant should be lost because, under such circumstances, the muster was somewhat low? The Force was entitled to more consideration. Every good feature about it had been suggested by itself, including the annual review and the brigade drill. The denunciations to which officers had been subjected by the Press on account of their having met to consider the arrangements for the review of this year were wholly beside the mark. According to the code regulating the action of Volunteer officers, it was their duty to take the initiative as regards these reviews. The officers resolved that it was expedient to keep the review up, because it brought the men together; and if the manœuvres did not correspond with actual warfare, the fault lay with the commanders, not the men or their officers, who simply did as they were ordered. To assist in making the review more serviceable the Volunteer officers passed an almost unanimous resolution, resigning their position as brigade officers in favour of the Line, and the Secretary for War would say whether the Volunteer officers in any way behaved in a manner which would for a moment suggest want of discipline on their part? The hon. and gallant Member for Sussex (Colonel Barttelot) had said it was necessary to put the Volunteers under the Mutiny Act, because they wanted discipline. He (Lord Elcho) had divided on a Motion against that very point, and he sympathized with the hon. and gallant Member if his experience had led him to this conclusion, and regretted that he should have to deal with so unruly a body of men. Hon. Members wished to put Volunteers under arrest if they disobeyed orders. The power they possessed enabled officers to do so already. Without the Mutiny Act, during the parade of a regiment, a man who was disobedient or disrespectful, or who acted in any way contrary to discipline, could be ordered under arrest and kept under arrest as long as the brigade lasted, which at the time of the Autumn Manœuvres would embrace the time over which they extended; and at the end of that time the man's name might be struck off the roll, and the fact published, with a statement of the offence for which the punishment was inflicted. As a rule, the Government of the people of this country really expected too much of the Volunteers. There was an old saying that you should not ride a gift horse too hard. [Several hon. MEMBERS: A willing horse.] The Volunteer force was both a gift horse and a willing horse. We ought not to look too narrowly at its grinders to see whether they were defective; we should be satisfied that it had got a set, which he hoped it would be able to show. We ought not to ride a willing horse too hard, because we had not the courage to take out of the stable another horse—that of conscription or Ballot for home defence, lest it should throw us. Hon. Members knew that we could never organize our defensive forces without bringing that horse out of the stable; but because they were cowards in the House and on the hustings they were riding too hard the willing horse, and he would not say it would throw them off, because that might indicate lack of discipline, but it was possible the horse might break down under the burden. At all events, the Volunteers were asked to make bricks without straw. For 12 years he had been working hard, with the one object of strengthening his country and making it less liable to panics; but, looking at the armaments of Europe, he was not at all certain that the Volunteers, or even the Militia, were such troops as we ought to have, without compulsion to make them efficient; but if the Volunteer force were to break down or to slip through our hands, we should be obliged to find the courage which we now lacked, and to make Englishmen do their common duty. And why should they not be compelled to do their duty in that respect? Every other nation obliged their people to do their duty. Nay, it was the very foundation of our military system. Until they had the courage to put the screw on their own men—and by doing so they would make them the finest troops in the world —they could never properly organize an efficient defensive force for this country in the way the country had a right to expect from the Secretary of State for War, for there was a limit to the services they could get out of willing men from a sense of patriotism and public duty which would hinder them in attaining the desired end.

Mr. WHITWELL said, they had plenty of men possessed of the necessary courage to ride the Ballot as a defensive horse; but he did not believe that there was such a horse available in this country. He agreed with the noble Lord on some of the points which he had urged, but he was wholly opposed to him on others. He was very sensible of the willing services rendered by medical men for no remuneration, and he would rather accept those services on the terms on which they were now given, than after the proposed examination and for the proposed pay. With regard to brigade drill, he thought the present rules required review, as, for example, in the North of England it was much more difficult than in the more densely populated South to arrange for brigade drill, because, in his own case, parts of three counties had to co-operate, and it was almost impossible to fix upon a day convenient to the three counties. Therefore, it was not at all surprising that a battalion should muster with half its strength; and it was hard if, under such circumstances, it lost its capitation grant. Again, there might be circumstances which would render it impossible for two-thirds of a battalion to attend administrative drill, although that proportion ought to attend; but the "hard-and-fast-line" operated hardly, and he thought there should be some means of considering the reasons which prevented them. As to the question of discipline, he believed the true Volunteer battalion would be found desirous of being as much like soldiers as possible, and so far as the regulations were likely to promote stricter discipline, he approved of them. He trusted the Volunteers would rather benefit than be injured by the regulations, when properly amended, being carried out.

Colonel NORTH said, he could not understand for the life of him having one force in the field under different regulations from another force. He had no doubt that the good feeling and good sense of the Volunteers themselves when called out for real service would induce them to be subject to discipline. He could not understand how any one who had served in the ranks of the Volunteers could feel insulted at being placed under martial law. Of course, if a man felt insulted he could give up his arms and retire. He could speak for his own battalion; among them there was but one feeling, they were perfectly ready to be placed under martial law.

Mr. CARDWELL said, he had always witnessed with great admiration not only the zeal, but the persistency with which the members of the Force devoted themselves to their duty, and he believed most thoroughly that none desired more that a real share in the military defence of the country should be given them than the Volunteers themselves. Of course, he expected a speech from the noble Lord (Lord Elcho) such as he had delivered. But when he looked to the speeches of the Volunteer officers who had taken part in the debate, he could find none, except his hon. and gallant Friend the Member for Abingdon (Colonel C. Lindsay), who had raised the discussion, who agreed with the noble Lord. There had been a great deal of misunderstanding in the position which his hon. and gallant Friend opposite had taken, and perhaps the explanation he would now give would remove some of his hon. and gallant Friend's objections. He had already explained that it was a mistake to suppose that there was the smallest intention to give to the captain of a company a position independent of the commanding officer of the battalion. There was nothing of the kind. But in administrative regiments and in some consolidated regiments there were outlying corps which must be called to parade by the captain without immediate reference to the commanding officer. The article in question was intended to deal with such a case as that. Then, as to the two great points of brigade drill and inspection, on which so much stress had been laid. Nobody except the noble Lord had objected to the officers being required to qualify, and he believed he might say that there was almost an universal feeling that it was high time that none but qualified men should command. [Lord ELCHO: I objected to examination, not qualification.] Yes, but examination was the test of qualification in the Army and everywhere else; and he believed the Volunteer officers themselves would not be satisfied to allow the existing race of officers to die out before a stricter system was introduced. With regard to the other point, brigade drill was desired more by the Volunteers than by anybody else. And then, had not the authorities been called upon over and over again to provide some remedy for the admitted want of attendance on inspection day? The day of inspection was the cardinal day of the Volunteer service, and was it tolerable that in 1869 there should have been absent from inspection 59,557 men? Was it tolerable that as late as 1871 there should have been absent 55,714? He appealed to the House whether that could be justified. It was said the Volunteer Force was not expensive. He was of that opinion, if we compared the cost with the service which the Force rendered to the country. But it was expensive enough to require that efforts should be made to render it efficient, and it was the bounden duty of the authorities, who he was sure in this matter were only acting in the spirit of the Volunteers themselves, to endeavour to do so. [Lord ELCHO: How many were absent last year on leave?] The absent on leave were 37,575, those absent without leave 18,139. What we wanted to have was not a nominal Force, not an enrolled Force, but a real Force, and we must take some means that at inspection the real Force should be present. The regulations on that point, therefore, had not been drawn up with any desire to press hardly on the Volunteers, but with the view of carrying into effect what he believed the Volunteers themselves desired. In the brigade drill, the regulation was that in the event of any corps failing to attend when called upon to do so, or less than one-half of its enrolled members being present, it would forfeit its claim to the whole or a portion of the capitation grant. Was that an unreasonable rule? Then with regard to inspection, it seemed to be thought very hard to require two-thirds of the corps to be present. Well, was that according to the practice or opinion of the Volunteers a hardship? Out of 13 districts and sub-districts in Great Britain, there were only three in which the absents of the regiments did on an average exceed 33 per cent, or more than one-third; and out of 90 counties the absents of 63 were below one-third, or below 33 per cent, and of 27 above it. That showed what was the practice of the Volunteers, and the only desire of the authorities was to bring up the less punctual and regular corps to the practice of the majority. The main point of objection appeared to be the mode of treating the medical men. At present the Volunteer medical officers earned a capitation grant for their corps, but without any conditions of service. Now, two proposals had been made, neither of which, however, was intended to be injurious to the medical officers; and he did not know that either of them would be insisted upon, if they should prove unacceptable to the medical profession, or to the Volunteers generally. One of them was, that medical officers should be experienced in those parts of medical science which had special reference to military duties. If a medical officer qualified in the manner specified in the regulations, he would be allowed to earn £2 10*s*. for his corps just like any other officer. With regard to the particular Motion which his hon. and gallant Friend had brought forward, he trusted it would not be pressed. It was thought that the permanent Staff of the Volunteers ought to be placed on the same level with that of the Militia; and therefore it was proposed to allow the medical officers of Volunteer regiments to attend them on the same terms as the medical officers attended the permanent Staff of the Militia; but if this proposal were unacceptable it need not be insisted upon. He supposed, however, his hon. and gallant Friend wished that the attendance of the medical officer should be secured to the permanent Staff.

COLONEL BERESFORD said, he hoped the right hon. Gentleman would re-consider the clause relating to the inspection and battalion drill. In his judgment the whole tendency of the Army Bill was to annihilate the Volunteer Force, or, at all events, to exalt the Militia at the expense of the Volunteers.

Mr. ANDERSON said, he should like to know whether a circular had been sent out inviting Volunteers in the North to join in the Autumn Manœuvres, and giving them the alternative of joining for half or for the whole of the period; and whether some corps had not been subsequently informed that they could not be accepted unless they arranged to remain for the whole period?

Mr. CARDWELL said, His Royal Highness the Field Marshal Commanding-in-Chief had represented to him that, if the Autumn Manœuvres were to be a success, the Volunteers ought to take part in a week's previous training. That was an important representation, and it was intended to act upon it.

Sir PATRICK O'BRIEN said, that considering the difficulty there was in getting men to attend, the introduction of this large number of Volunteers, as a kind of men of buckram, into the ordinary list of our Military Forces, led this country into a false sense of security. Military authorities were of opinion that the Volunteers, the Vote with regard to which body occupied the House three or four hours every year, were not worth a song—not worth the paper on which the Vote was written. [*Laughter.*] The unbiassed opinion of any hon. Member unconnected with the Volunteers must be that, however brave they might be, they could not be relied upon to resist an invading army such as Germany and France could muster, and that after all we must fall back upon the stuff of which our old soldiers were made of, who fought in the Peninsular Wars. He was speaking of a possible invasion of this country by a foreign force, and he thought it would be more economical to pay for duly qualified defenders of this country than to pay money to these Volunteer regiments. He knew it was unpopular to express that opinion, but he uttered it because there were no Volunteers in Ireland. He was quite certain there were many hon. Gentlemen in that House who entertained the same opinion as himself on this subject, but did not wish to express it.

Colonel LOYD LINDSAY said, as there were no Volunteers in Ireland, the hon. Baronet who had just spoken might, perhaps, be excused for the ignorance he had displayed on the subject of Volunteers. He thought it could not be denied that since the grant to the Volunteers was made a corresponding amount of efficiency had been displayed by them. He did not object to the regulations which had been made with regard to the Volunteers, but he thought the House departing from the Volunteer element with which the movement began. If a member of the Volunteer corps was to be obliged to give up a portion of his time to training under canvas or in barracks, he ought to receive a remuneration for that portion of time which he thus sacrificed for the good of the country.

Viscount BURY heartily thanked the Secretary for War for the circular which he had issued as to the training of Volunteers. He wished to say a word respecting Volunteer adjutants. He thought they should have the rank of major after 20 years' service, and were generally worthy the favourable attention of the Government. He must, however, dissent from the noble Lord (Lord Elcho) as to the qualification of officers, and he believed that the more Volunteers were treated as soldiers, the more they would respond; for though a few might drop off, the residue would be efficient, and he would suggest a reduction in the number of corps and regiments, the abolition of class corps, and the assimilation of regiments.

Colonel BERESFORD, referring to the disparaging remarks of the hon. Baronet opposite (Sir Patrick O'Brien), reminded him of the grant which the Volunteers earned for extra efficiency, and assured him there were 70,000 or 80,000 men among them who would pick him off at 1,000 yards.

Mr. RODEN said, he would remind the Committee that the Volunteers had taught the world rifle-shooting, in which they were, perhaps, superior to the Regular Army. The Government had no right to ask the Volunteers to expend their money, as well as their work and time, in attaining efficiency. The right hon. Gentleman should at least grant them their expenses, and then they would be found to be the finest and the cheapest force in the world.

Colonel WILMOT might say as the result of his experience that he had never had any difficulty in getting out his men. The enrolled strength was 900, and he rarely had fewer on parade than between 600 and 800. He would recommend greater liberality towards Volunteer adjutants, who were now at a disadvantage compared with Militia adjutants. He approved the new regulations, having himself previously given instructions to his regiment to the same effect.

LORD ELCHO said, he must repeat his conviction that some distinction should be drawn between officers who had been serving since the commencement of the Force, and those who might join after the regulations were in operation. He must also say that he had been misunderstood as having said that officers should not be qualified. He had simply advocated the testing of present officers in the field, instead of by a Board, and nobody felt more than he did the necessity of officers qualifying themselves. He was anxious for some means of securing compulsory attendance, without which Volunteers could not be made so efficient as to be fit at short notice to encounter the Prussians in the field. He admitted that many of those enrolled were "paper men," because they put down their names without due consideration, but the country had the satisfaction of knowing that it did not pay for such men.

VISCOUNT BURY said, he regretted having misinterpreted the remarks of the noble Lord (Lord Elcho), but disagreed with him on the question of principle.

SIR PATRICK O'BRIEN explained that he had no desire to detract from the patriotism of the Volunteers; he had merely desired to prevent a false feeling of security based on the statement that the Volunteers numbered 400,000.

COLONEL C. LINDSAY said, that though only half satisfied with the explanations of the Secretary for War, he would not put the Committee to the trouble of a division. He still contended, however, that the examination of officers ought to be prospective, and not retrospective as far as those who were at present field officers were concerned. As to the postponement of inspection, that he regarded as equivalent to no inspection at all, and that was why he objected to it, there being no capitation grant without an inspection. He was glad to hear that the Secretary of State had withdrawn the retrospective character of the Circular, and that the rule in reference to the medical officers would not be enforced.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £124,500, be granted to Her Majesty, to defray the Charge for Army Reserve Force (including Enrolled Pensioners), which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

LORD EUSTACE CECIL moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress."—(*Lord Eustace Cecil.*)

MR. CARDWELL said, the next Vote related to the Reserve Forces, which had been under discussion the whole of the evening.

MAJOR GENERAL SIR PERCY HERBERT said, there were several questions connected with the subject upon which information was needed, especially with regard to the possibility of securing the services of the Reserve when wanted.

LORD ELCHO remarked that the whole of the Government system rested upon this Vote.

MR. CARDWELL said, he would not oppose the wish of the Committee. He believed, however, that it was the wish of the Postmaster General to take a Vote in his Department before Progress was reported, and he would therefore suggest the withdrawal of the Motion.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

(7.) £1,134,632, Post Office Packet Service.

SIR COLMAN O'LOGHLEN said, he wished to know why the Vote should be accompanied with words providing that Mr. Churchward should receive no part of the money granted by Parliament for the packet service? He remembered the controversy with respect to that gentleman some 13 or 14 years ago, and he saw no reason why, now that the matter was dead and gone, it should be commemorated annually in that House. He should like to know, therefore, why the name of Mr. Churchward had been retained in connection with the Vote?

Mr. SCLATER-BOOTH said, he was of opinion that it was absurd that the wretched old story in reference to Mr. Churchward should be so perpetuated.

Mr. MONSELL said, Mr. Churchward's name had been retained in deference to the opinion of the Law Officers of the Crown. If, however, he found on inquiry that there was no substantial reason for its retention, he should take steps to have it omitted.

Viscount BURY said, that when he was a candidate for the borough of Dover he had heard a great deal about the Churchward contract, but that was so long ago that he thought the matter ought now to disappear from the Votes of the House altogether. Surely the Law Officers of the Crown could devise some more direct means of debarring Mr. Churchward from receiving any of the money voted by Parliament.

Mr. GLADSTONE said, there was no desire to keep Mr. Churchward's name on the Votes of the House; but it was done under the advice of the Law Officers of the Crown, and if the necessity of keeping the name there ceased, it would be withdrawn.

Mr. COLLINS remarked that the name would seem to have been kept on the Votes for the purpose of casting a slur on a particular gentleman in connection with a very much disputed point. The whole thing, he thought, ought to have been dead and buried long ago.

Mr. BAXTER said, he would admit it was desirable that the heading referred to should be left out of the Vote. No one was more anxious than himself that the old controversy should be forgotten; but Mr. Churchward's name was retained, as had been before stated, in deference to the opinion of the Law Officers of the Crown, those hon. and learned Gentlemen having stated that so long as Mr. Churchward had an action against the Crown going on the name should be retained on the Votes.

Sir COLMAN O'LOGHLEN remarked that there was not a Law Officer of the Crown present to tell the Committee anything on the matter.

Mr. FAWCETT said, that if that were the case, it would be well, in justice to those hon. and learned Gentlemen, to postpone the Vote until they had time to spare from their duties elsewhere to devote to their duties in that House. The demand made on their time by the House was not very great, and they might perhaps before long be at liberty to attend in their places for a quarter-of-an-hour.

Mr. MONSELL said, he hoped that the Committee would be satisfied with the assurance he had given, and would promise that one or both of the hon. and learned Gentlemen should be present when the Report was taken.

Vote *agreed to.*

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday.*

JURIES ACT AMENDMENT (IRELAND) BILL—(*Lords*)—[Bill 195.]

(*Mr. Attorney General for Ireland.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Attorney General for Ireland.*)

Mr. BAGWELL said, he objected to Irish business being commenced after midnight, and would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Bagwell.*)

The ATTORNEY GENERAL for IRELAND (Mr. Dowse) said, he hoped the Motion would not be pressed, as it would be absolutely necessary that the Bill should be passed by the 30th of the month.

Mr. BAGWELL withdrew his Motion.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

Amendments made.

Bill *reported;* as amended, to be considered *To-morrow*, at Two of the clock.

RAILWAYS PROVISIONAL CERTIFICATE CONFIRMATION BILL.

Order for Committee read, and *discharged:*—Bill, so far as relates to "The Widnes Railways," *committed* to a Select Committee, to be nominated by the Committee of Selection as in the case of a Private Bill.

Ordered, That, subject to the Rules and Orders of Proceeding of this House, all Petitions presented during the present Session against the Bill be referred to the said Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel, or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the said Bill against the said Petitions.—(*Mr. Arthur Peel.*)

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 25th June, 1878.

MINUTES.]—Public Bills—*First Reading*—Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2)* (172); Acrobats* (173).

Second Reading—Church of England Fire Insurance* (102); Elementary Education Act (1870) Amendment* (126); Review of Justices' Decisions* (164).

Report—Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment, *now* Local Government Supplemental (No. 2)* (130).

Third Reading—Charitable Trustees Incorporation* (127); Parliamentary and Municipal Elections (168); Oyster and Mussel Fisheries Supplemental (No. 2)* (156); Drainage and Improvement of Lands (Ireland) Supplemental* (142); Elementary Education (Provisional Order Confirmation)* (148); Tramways (Ireland) Provisional Order Confirmation* (147); Bank of England (Election of Directors)* (144); Customs and Inland Revenue* (162), and *passed.*

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL—(No. 168.)

(*The Lord President.*)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^a."—(*The Lord President.*)

Lord DENMAN, who had given Notice that the Bill be read a third time this day six months, said, it might appear a somewhat unusual course to oppose the third reading of a Bill which had been passed with great labour and care by the other House, and, in some measure, adopted by their Lordships' House; but when he regarded the candidates, he did not think that any man should object to appear personally before the constituency he desired to represent to explain the political opinions he held, and to answer such questions as the voters might put to him. There had been a clause against holding committees in public-houses in the Bill of last year, and he believed that such a Bill as that for bribery and corruption, and the clause for closing public-houses, would have greatly secured quiet at the polling stations. As to the voters, he was sure the present Bill could not work unless some considerable time was devoted to its further consideration, and on these grounds alone he felt justified in taking this course; but besides, he saw before their Lordships a Bill of the principle of which he and many of their Lordships—who had not, like him, voted against the second reading — disapproved; and he had his noble and learned Relative's opinion, given in 1830, that bribery would not be diminished by the Ballot—intimidation was to be put down by public opinion. In the same letter that noble and learned Lord expressed his abhorrence of the doctrines as to tenants votes, that a landlord might do what he would with his own, and thought that undue influence ought to be exposed and frustrated. And, as regarded the Returning Officers, he thought the multiplication of polling stations—even at a distance of four miles—in counties was so great that it would be difficult to find gentlemen to fill the office of High Sheriff—for, so far as he could learn, no one was bound to pay for those polling stations; at all events, the Sheriff, in the first instance, had to incur expense, and instead of having a deposit from the nominators, he had to look to the precarious chance of recovering a verdict against those who might ultimately be liable. He was quite sure if their Lordships passed this Bill—without amending it in the Bribery and Corruption Bill formerly a part of this Bill—they would repent it, and he earnestly entreated them to reject it in its present shape. With regard to the Amendments proposed, they had caused much anxiety to the noble Duke, and he was sorry that he could not support more than one of them at first; but as they afforded half publicity he would support them if they were returned from "another place." But why should their Lordships consent to change—even for eight years—a good open manly system of voting for one of which they disapproved? He believed that the feeling of a large portion of the people of this country was adverse to the scheme of secret voting.

Earl FORTESCUE said, he differed completely from the noble Lord. He did not believe that even the opponents of the measure would think it advisable to reject the Motion for the third reading. He retained very much the same opinion with regard to the Ballot as he had done while a Member of the House of Commons, and he regarded the present measure as one of a very unimportant character, that would equally fail to produce the good effects anticipated by its supporters, and the bad ones predicted of it by its opponents. When first returned to Parliament, in 1841, he told his constituents that he considered the Ballot a very unimportant question; but that as, in his opinion, it would do little harm and less good he felt bound to oppose it. He represented large constituencies for 15 years, who always returned him, notwithstanding his declared opposition to the Ballot. As long as he had a seat in the House of Commons he had acted consistently with the views he had thus avowed; but within the last four or five years he had changed his opinion. He now considered the Ballot more unimportant than ever, in consequence of the altered position of the employers and employed in this country, but should support it because he thought it would do a very little good and still less harm. He believed that the mass of the constituencies attached very little value to the Bill now before their Lordships, and he could not but regret that measures of real importance, such as the Public Health Bill and the Mines Regulation Bill, had not been given precedence of such a measure as this. But as the Ballot Bill had been introduced by the Government and passed by the House of Commons, he thought it was unwise of their Lordships to have adopted Amendments which certainly would not be accepted by the other House of Parliament. It was too late on a third reading to ask their Lordships to withdraw those Amendments; but he hoped that when the Bill came up from the Commons, as it certainly would, with their Amendments struck out, their Lordships would not insist on them.

On Question? that the Bill be now read 3ª.

Resolved in the *Affirmative*.

Bill read 3ª accordingly, with the Amendments.

The Marquess of BRISTOL moved to insert after Clause 2 the first of a series of 15 clauses, proposing a complete scheme for the adoption of voting papers.

Moved, after Clause 2 to insert the following clause:—

"Any voter may, in compliance with the provisions hereinafter contained, give his vote by a voting paper instead of personally."—(*The Marquess of Bristol.*)

The Marquess of RIPON said, he hoped their Lordships would not entertain an Amendment which was entirely outside the scope of the measure before them. When the Reform Bill introduced by Lord Derby's Government was before their Lordships, an Amendment for the adoption of voting papers was sent down by their Lordships to the House of Commons; but though the Government of the day might have been supposed to be favourable to such a system, the Amendment was rejected in the House of Commons by a large majority. It would be useless to send such an Amendment down to the other House. But his objection to it did not end there. He thought it would increase the facilities for bribery and intimidation. He believed that those facilities would be increased by any system which would serve to disconnect the voter from his vote, and therefore he opposed the Amendment.

The Marquess of SALISBURY said, that while agreeing in the course taken by the noble Marquess (the Marquess of Ripon) he could not agree in his remarks. He should be sorry it should be supposed that their Lordships were prepared to accept the doctrine just put forward by the noble Marquess. Their Lordships had on former occasions expressed in distinct language their approval of the system of voting papers, and he believed that from that opinion their Lordships had never changed. Their Lordships held that the system of voting papers would prove advantageous to a great many of the constituents who were at present practically disfranchised, and would provide against a far greater amount of real intimidation than any provision contained in the Bill of the Government with that object. In respect to this question, he confessed he could not believe that the opposition of the Liberal party to this system of voting papers was quite free from a touch of selfishness. There were two classes of the people who were deeply interested in the adoption of voting papers—namely, the tranquil quiet people, and those who lived in remote rural districts far from polling places. There was, however, a large party in the other House of Parliament who studiously opposed every proposition to enfranchise these classes of the constituents by the adoption of the system of voting papers. And why? He believed because quiet people, and people living at distances from polling centres, were generally Conservatives. Although, then, he believed that their Lordships had not changed their opinions on this subject, he also believed that the majority of the other House, who had rejected this proposal by a majority of upwards of 40, had not changed theirs. Under such circumstances, he did not think that any useful object could be gained by flashing this Amendment once more in their faces. In his opinion, it would be better for their Lordships to wait until the minds of those who were now averse to this system had become wiser by experience.

EARL FORTESCUE protested against the summary condemnation of the proposal pronounced by the noble President of the Council. What the noble Marquess meant by disconnecting the voter from his vote he confessed he was unable to understand.

LORD COLCHESTER advocated the system of voting papers upon the ground that such a system would cure many evils that now existed. It would prevent the necessity of infirm and timorous people having to travel to the poll and to encounter bad weather and the noise and disturbance of the polling place. Even although the principle of having voting papers was not embodied in this Bill, he trusted that at some future time the good sense of the people would cause it to be adopted.

On Question? *Resolved* in the *Negative.*

Amendments made.

Bill *passed,* and sent to the Commons.

NAVY—STAFF COMMANDERS AND NAVIGATING LIEUTENANTS.

QUESTION.

THE EARL OF LAUDERDALE rose to inquire of Her Majesty's Government, If it is their intention to do away with that class of officers in the Royal Navy now called Staff Commanders and Navigating Lieutenants? The noble Lord said that among other changes that had been proposed with respect to the Royal Navy was, to do do away with that most useful class of officers formerly known as masters, now called staff commanders and navigating lieutenants. The question had become one of great importance, because the fact that several of our ships had recently got aground had been, by some, attributed to the navigation having been entirely left to this distinct class of officers. It had been argued that as captains of merchant vessels navigated their own ships, captains in the Navy ought not to be allowed a sailing officer or navigating lieutenant. Now it was the greatest possible mistake to suppose that the captains of the Royal Navy did not navigate their ships; but with the many duties which a captain in the Navy now had to perform, it was impossible that he could personally perform that duty, and therefore a sailing master was appointed to assist him, who acted under the captain's direction and superintendence in the performance of his duties. But the sailing masters had not only the charge of the navigation of the ship but they had to undertake, under the Queen's Regulations, the duty of pilots. Ships of war when near land could not be safely navigated unless they had such an officer as the master on board. With merchant ships it was different. As the usual custom with merchant ships was to trade between particular ports, the officers became to know the course between those ports thoroughly, and were able to act as pilots, so that sometimes there were as many as five or six good pilots on board a merchant ship. Moreover, when merchant ships were insured they were obliged to take regular pilots on board. Now, their Lordships would see the case was quite different with Her Majesty's ships, which went all over the world, and not in regular course between particular ports, and frequently not one of the officers of a ship of war had ever visited the port to which they were bound. Again, in case of war, we should never be able to get pilots for an enemy's coast unless we obtained them from merchant ships. Two hundrd years ago the admirals and captains occupied a position in the Navy somewhat similar to that of our generals in the Army, and the men who fought the ships were soldiers—the only sailors on board being the sailing masters and pilots. It had been objected against the sailing masters that they were of no use; but if that charge were true the fault lay with the Admiralty, who failed to give them a proper training. Under the present system, the second masters, who were generally below when a ship entered or left harbour superintending the stopping of the chain cable or paying them into the lockers, were promoted to the office of masters, and yet surprise was expressed that they were entirely ignorant of their new duties. Second masters ought to be thoroughly taught their duties, and every opportunity should be afforded them of becoming efficient pilots. Navigating lieutenants should be appointed as mail agents in all ships carrying mails, by which means they would soon have a large number of them good pilots. He had been induced to bring this question forward in consequence of his having ascertained that the number of navigating cadets had been reduced to 12—a number which was not sufficient to keep up the supply of sailing masters, which looked as if the Government intended to allow the office of sailing master to die out. The noble Earl concluded by asking, Whether it was the intention of Her Majesty's Government to do away with that class of officers in the Royal Navy now called Staff Commanders and Navigating Lieutenants?

Lord ELPHINSTONE, as a naval officer, wished to express his opinion that the captains and lieutenants of Her Majesty's ships were as well able to navigate their vessels as sailing masters would be. All lieutenants, before obtaining their commissions, had to pass a very severe examination in navigation; and the only reason that captains required assistance in navigating their ships was because their time was so fully occupied by other matters that they had not time to attend to that branch of seamanship. It was not, therefore, from any want of ability on the part of the captains that the class of navigating officers had been instituted. It would be seen from the Queen's Regulations, that the captain navigated the ship, and the sailing master acted under his direction. During the Prussian war the French Fleet, who had no navigating class of officers, were paralyzed for want of pilots, and utterly useless; but when hostilities broke out between this country and Russia, and we sent a Fleet, to the Baltic, the officers of our ships of war had had such experience in navigation and surveying that scarcely a casualty occurred. It was often said that as the masters of merchant vessels navigated their own ships, why should not the captain of a man-of-war do the same? But the duties of the master of a merchantman were very different from those of the captain of a man-of-war, the former being bound by Act of Parliament, when in certain waters, to take a pilot; if he did not, and any casualty occurred, the insurance was forfeited—and the moment the pilot planted his foot on a vessel's deck he was responsible for the ship, and the master's responsibility ceased. For himself, if he were in command of a ship to-morrow, he would as soon see the devil come on board as a pilot. At present he trusted that the Admiralty would not remove so useful a class as the staff commanders and navigating officers.

Lord DUNSANY said, a good deal of the difficulty in this matter arose out of certain political complications. Sometimes the masters had considerable influence in the other House of Parliament, where their case had been frequently brought forward, and the Admiralty made some changes in their favour. Upon the whole, whether the class of masters was dispensed with or not, it was necessary that captains, who were held responsible, should be practically capable of navigating and managing their own ships. That was very much a matter of Admiralty regulation, and a flag officer might attain his flag without ever having taken his own ship out of harbour. Formerly our Admirals wore armour and spurs; and these gentlemen in spurs naturally not being very efficient sailors, it became a tradition that the master should take the whole of the navigation upon himself. The French naval officer, from not having a master to rely upon, was a far better hydrographer than the English naval officer, and if the French authorities wanted a survey they would send to the Admiral on the station and get a very good survey made. Although, however, the French naval officers were better surveyors and hydrographers than the English, yet those English officers who gave their whole time and attention specially to hydrography were, of course, superior to the French.

THE EARL OF CAMPERDOWN said, the subject raised by the noble Earl opposite (the Earl of Lauderdale) had been a vexed question with successive Boards of Admiralty for many years; and he could hardly give a positive answer on a subject which was still unsettled. From the earliest days in which we had a Navy, and down to the year 1824, it was the custom that the captains, assisted by masters who were frequently taken from the merchant service, should take charge of the navigation of Her Majesty's ships. In 1824 a separate class of officers was established in Her Majesty's Navy for the express purpose of navigation. There were three ways only in which it was possible to navigate a ship—first, by a separate class set apart for the purpose; secondly, that all the officers should be able and ready to assist the captain in the navigation of the ship; thirdly, by setting apart a portion of the officers to confine their attention chiefly to the study of navigation, without, however, constituting them into a separate class. The second of these alternatives was that adopted by the French. It was, however, considered by the Admiralty to be too much to expect that all the officers should be able efficiently to conduct the navigation of the ship without some special study. The masters had long complained of the inferiority of their position to the Executive officers, and also of their pay and want of promotion. Their complaints received attention from the Admiralty, and resulted more than once in an increase of pay and pension, and when the noble Duke near him (the Duke of Somerset) was at the head of the Admiralty he instituted the special ranks of staff captain, staff commander, and navigating lieutenant for navigating officers, who had up to that time been styled masters. The question of the continuance of a separate class of navigating officers had been dealt with in public on more than one occasion. A Committee of Naval Officers inquired into the matter in 1862, and reported in favour of the discontinuance of a separate line, and recommended that a certain number of lieutenants should be set apart to the study of the science of navigation, who should navigate the ship and receive an additional amount of pay. But this was not carried out. Difference of opinion as to which was the best method still prevailed; but up to the present time the preponderance was on the whole in favour of a special navigating class. It was contended, and with much apparent force, that the knowledge of navigation possessed by officers whose time was much occupied by other duties could not be so thorough and so practical as that possessed by officers whose whole time was devoted to the practical study of navigation. The whole subject was engaging the serious attention of the Admiralty; but the opinions of the most experienced officers were divided, and the question was altogether in so unsettled a state that it was not at present thought advisable to abolish the navigating class as a separate branch of the service.

THE DUKE OF SOMERSET thought discussion upon so technical a subject would not be very profitable. He had appointed the Committee in 1862 because much discontent had arisen between the masters and other officers on grounds corresponding with the differences existing between the officers of the Line and the Scientific Corps, discussed the other evening. As an experiment the Admiralty had decided to do away with the title of master, and substitute that of navigating lieutenant and staff commander, the ultimate change to be decided by experience. It would certainly be unwise to do away with the special rank and special position of the officers responsible for the navigation of Her Majesty's vessels until they were certain that there were lieutenants sufficiently capable of performing this service. The matter, however, was one in which the Admiralty might safely be allowed to do justice to the officers, having at the same time due regard to the interests of the service.

THE EARL OF LAUDERDALE, in reply, observed that if Her Majesty's ships were obliged to be insured by the Lords of the Admiralty, very good care would be taken not to buy inferior coals or contract ropes, and to provide every vessel with a competent master.

ACROBATS BILL [H.L.]

A Bill to prevent the employment of young persons as Acrobats and Gymnasts in certain cases—Was *presented* by The Lord BUCKHURST; read 1ª. (No. 173.)

House adjourned at Seven o'clock,
to Thursday next, half
past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 25th June, 1872.

MINUTES.]—Supply — *considered in Committee* —*Resolutions* [June 24] *reported*—Civil Service Estimates.

Public Bills—*First Reading*—Bank of England (Election of Directors)* [211].

Committee—Mines (Coal) Regulation (*re-comm.*) [150]—R.P.

Committee—Report—Drainage and Improvement of Lands (Ireland) Acts Amendment* [202].

Considered as amended—Education (Scotland) [204-210]; Life Assurance Companies Acts Amendment* [115].

Considered as amended—Third Reading—Juries Act Amendment (Ireland)* [195], and *passed*.

The House met at Two of the clock.

SAVING LIFE FROM WRECK, &c.— ROCKET APPARATUS.—QUESTION.

Sir DAVID WEDDERBURN asked the President of the Board of Trade, Whether his attention has been directed to the delay and difficulty frequently experienced in establishing communication with vessels stranded on a lee shore, when the rocket apparatus has to be used against a gale of wind, and the firing party, as in the recent case of the "Hotspur," may fire for hours before a line is carried over; and, whether he will consider of a regulation by which the loss of life caused by such delay might be prevented, obliging every vessel to carry a properly fitted apparatus, together with a copy of instructions as to its use, and as to landing the shipwrecked after communication with the shore has been established?

Mr. CHICHESTER FORTESCUE, in reply, said, he had inquired into the subject, and he must say that he had no reason to think that much difficulty was experienced in communicating between the shore and a stranded vessel by means of the rocket apparatus, provided, of course, the stranded vessel was within range. But in the case of a rolling ship, if the rocket were fired from the vessel instead of the shore there would be a practical difficulty in sending the line on shore. Besides, if the suggestion of the hon. Member were adopted, an Act would have to be passed to compel all sea-going vessels to carry rocket apparatus on board, and in order to give proper effect to such a law it would have to be enforced by penalties; and it was no easy matter to keep rocket apparatus in constant efficiency on board ship. Should, however, the hon. Member communicate with the Board of Trade, he should have every information given to him, and his suggestion would receive careful consideration.

EDUCATION (SCOTLAND) BILL—[Bill 204.]

(*The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.*)

CONSIDERATION.

Bill, as amended, *considered.*

Amendments made.

Clause 3 (Department may employ Officers in Scotland).

The LORD ADVOCATE said, his right hon. Friend the Vice President of the Council and himself had been carefully considering whether Clause 3 might be omitted, and they had come to the conclusion that it might. He now moved, therefore, the omission of that clause.

Amendment *agreed to.*

Clause *struck out.*

Clause 6 (Area of a parish and area of a burgh).

Mr. M'LAREN moved, in page 4, to leave out from "limits," in line 27, to "within," in line 28. The hon. Member said that as the clause stood the power of levying rates for schools was confined to the ancient limits of the burghs, and did not include the police boundaries, which in many cases extended much further, and his object was to remedy that defect.

Amendment proposed, in page 4, line 27, to leave out from the word "limits," to the word "within," in line 28.—(*Mr. M'Laren.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

The LORD ADVOCATE assented to the Amendment.

Mr. BOUVERIE said, he understood that police boundaries did not exist in the case of all burghs.

The LORD ADVOCATE said, the hon. Member for Edinburgh (Mr. M'Laren), who had had great experience in such matters, had informed him that such was the case, and he had not since had any opportunity of verifying the statement.

Amendment, by leave, *withdrawn.*

Clause 58 (Removal of teachers appointed before the passing of this Act).

THE LORD ADVOCATE moved, in page 23, at end of clause, add—

"It shall be the duty of the sheriff of the county, or one of his substitutes, to attend any meeting of a School Board for a public inquiry under the provisions of this Clause, if requested so to do by the board or by the teacher to whom the inquiry relates, by a letter addressed to the sheriff clerk not less than six days before the first meeting for such inquiry; and the sheriff or sheriff substitute so attending may administer the oaths to the witnesses, and shall take a note of the evidence, and give all proper assistance to the board in conducting the inquiry, but shall have no voice in the judgment. It shall be lawful for any sheriff to nominate a fit and proper person to act as his substitute at any such meeting, and such person shall be paid out of the school fund a fee, to be fixed by the School Board, not exceeding five pounds five shillings for the whole inquiry. The proceedings of a board and the judgment or order thereof shall not be questioned on the ground that a sheriff or sheriff's substitute has attended and acted under this clause without request in writing as herein provided, or upon any objection to the date or form of the request."

MR. ORR EWING said, he did not think it desirable that a gentleman in the position of the sheriff should be called upon to perform such duties as were contemplated in the Amendment.

THE LORD ADVOCATE observed, that that part of the clause was permissive, and he believed that, generally speaking, the county business of the sheriff and the sheriff's substitute would necessitate the nomination of special substitute.

Amendment *agreed to.*

MR. M'LAREN moved, in page 25, sub-section 5, line 7, after "Board," leave out to end of sub-section. The hon. Member, after remarking that there had already been a division on that question, said, he believed that the appointment of a referee to settle disputes between the masters and the school boards in the case of the higher class of schools, would lead to all sorts of discord and jealousy. The school boards would in many cases consist of men equal in point of intellect and standing to the London School Board, and he thought it was hardly to be tolerated that a board of 15 gentlemen should be controlled by one person, to be appointed by the Lord Advocate. There was no provision of that kind in the English Education Act.

THE LORD ADVOCATE said, he had no objection to omit the words objected to.

MR. CRAUFURD was sorry that the right hon. and learned Gentleman had agreed to the Amendment. The school boards would not contribute anything towards the sustenance of the higher class of schools, and he did not see on what ground they could be made paramount with regard to the fees of the teachers. He hoped his right hon. and learned Friend would leave the clause as it stood.

THE LORD ADVOCATE said, that he had yielded to the view of the hon. Member for Edinburgh (Mr. M'Laren) on the subject. The school boards would be composed of persons who were interested in the education of the district, and who would be prepared to devote their time and attention to the matter. The interests of higher education might suffer if the fees were fixed too high, and he thought it was, on the whole, desirable to place the same confidence in the school boards in that case as would be reposed in them in other matters.

Amendment *agreed to.*

Clause 66 (Conscience Clause).

MR. M'LAREN moved, in page 28, line 11, leave out "or," and insert "and." The hon. Member said people out-of-doors had interpreted the clause as meaning, with the word "or," that though it would be competent to the teacher to open school meeting with prayer, and to close it with the singing of a hymn or with praying again, that could not be done at both periods, and he proposed the Amendment for the purpose of removing any doubt on the point.

Amendment proposed, in page 28, line 11, to leave out the word "or," and insert the word "and,"—(*Mr. M'Laren,*) —instead thereof.

Question proposed, "That the word 'or' stand part of the Bill."

THE LORD ADVOCATE said, the object of the clause was that there should be a religious observance both at the commencement and at the end of the secular instruction; but as the matter had been considered doubtful, he would accept the Amendment.

MR. CRAUFURD said, he concurred with his right hon. and learned Friend the Lord Advocate in the construction which he had put upon the language of the clause—namely, that the word "or" did not prevent religious instruction being taken at the beginning or at the end of the secular teaching. He feared that the introduction of the word "and," in substitution for the word "or" in the clause, would make prayer appear compulsory, both at the beginning and end; and he therefore preferred to retain the word "or," which did not prevent prayer being used either at the beginning or end.

Mr. ORR EWING remarked that he should vote for the Amendment of the hon. Member for Edinburgh (Mr. M'Laren), because the power to give religious instruction at the beginning and end of the secular teaching was necessary in schools attended by children upon the half-time system. He hoped, therefore, that the right hon. and learned Gentleman would not listen to the suggestion of the hon. Member (Mr. Craufurd).

Sir EDWARD COLEBROOKE thought that, as the clause stood, the matter was quite clear. If, however, there was any doubt on the subject, the only way in which that doubt could be removed was to introduce words to the effect that prayer might be used either before or after the secular instruction, or at both periods.

Mr. ANDERSON said, he had no objection to the thing being made alternative; but he thought that the substitution of the word "and" for "or" would only make the matter more doubtful than before. They might say, "either at the beginning or at the end or at both periods," the matter being left entirely optional.

Dr. LYON PLAYFAIR trusted that his right hon. and learned Friend the Lord Advocate, if he accepted the Amendment, would make it very distinctive, by some additional words, that he did not mean at the beginning "or" at the end, because it was introducing quite a novelty into Scotch teaching. In the great bulk of Scotch schools it was not at the beginning or at the end, but it was usually at the beginning. He did not know what the law signified; but common sense would signify that if they introduced the word "and," it meant both at the beginning and the end, and that was not at all what many hon. Members on his side of the House would like to see made compulsory by law. It was certainly not in accordance with the practice of Scotch teaching in schools at present. He therefore trusted that his right hon. and learned Friend, if he accepted the Amendment, would make it very clear that this was an alternative, and not to be considered to apply to both periods.

The LORD ADVOCATE said, he might be permitted to explain. He should certainly have objeced to the Amendment if he thought for a moment that it would, or by any possible construction could, have the effect of rendering instruction in religion or religious observances imperative, either at the beginning or at the end, or at both periods. He should have resisted altogether if the Amendment were capable of that construction, and although it might savour of a legal argument, he hoped the House would bear with him for a single moment while he pointed out how it was impossible that that construction could be put upon the words. They occurred in an exception from a prohibition. The prohibition was, "and no instruction in religious subjects shall be given"——

Mr. CANDLISH rose to Order. The Lord Advocate had already addressed the House on this clause.

Mr. SPEAKER: At this stage of the Bill no hon. Member is by the Rules of the House allowed to speak a second time; but, generally speaking, the House is inclined to be indulgent to hon. Members.

The LORD ADVOCATE said, he had no wish to trespass unreasonably upon the time of the House. The explanation he intended to give would not occupy a moment. The words of the prohibition were—

> "No religious observance shall take place, except before the commencement or after the termination of the elementary secular instruction of the day."

That was a mere exception from the prohibition, and contained nothing in the nature of an injunction.

Mr. W. H. SMITH said, he thought that the object of the hon. Member for Edinburgh (Mr. M'Laren) would be attained if the words of the English Act were adopted. The words were—

> "Religious instruction shall be given either at the beginning or at the end, or at the beginning and the end of such meeting."

These words would, he thought, meet the view of the hon. Member, as they would give power to the school boards to exercise a discretion in the matter.

MR. M'LAREN said, he could not withdraw his Amendment in favour of the suggestion of the hon. Member for Westminster (Mr. W. H. Smith), because what he suggested had been already discussed and negatived.

Question put.

The House *divided:*—Ayes 44; Noes 156: Majority 112.

Word "and" *inserted.*

MR. ANDERSON proposed in line 12, after the word "day," to insert "or either of."

THE LORD ADVOCATE explained that the clause, with the words proposed, would not be grammatical. He thought the clause was very well as it stood with the Amendment which had just been agreed to; but if they were to have any further amendment of this matter, he did not himself see any grammatical way of effecting the object in view, except by adding after the word "termination" these words—"or before the commencement, or after the termination of the secular instruction of the day." If it was in accordance with the general view of the House that these words conveyed the matter more distinctly, he should have no objection to their insertion.

MR. ANDERSON begged to withdraw his Amendment in favour of that of the learned Lord Advocate.

Amendment, by leave, *withdrawn.*

THE LORD ADVOCATE then proposed in line 11, after the word "termination," to insert the words "or before the commencement, or after the termination."

Amendment *agreed to.*

Words *inserted.*

MR. M'LAREN said, the next Amendment which stood in his name he should merely indicate, and then leave it in the hands of the Lord Advocate. It had been already stated strongly in that House that to compel children at the expense of the board to attend school for eight years—namely, from 5 until 13 years of age — was quite inconsistent with the habits of the poorer classes, and his Amendment was that the attendance at school should begin at 6 and end at 12, so far as compulsory power was taken in the Bill. Let them be at school as much longer as they pleased; but let them not push compulsion beyond the years he had mentioned. A very large proportion of the children of Scotland left school at 12; and he knew more than one hon. Member of that House who left school at that age. He would not argue the question, but would content himself with proposing in page 28, line 18, to leave out "five" and "thirteen," and insert "six" and "twelve."

Amendment proposed, in page 28, line 18, to leave out the word "five," and insert the word "six,"—(*Mr. M'Laren,*) —instead thereof.

Question proposed, "That the word 'five' stand part of the Bill."

THE LORD ADVOCATE said, he was unable to accept the Amendment. The House had already affirmed that 13 was the proper school age, and it would be the duty of the parents in the first instance, and of the boards in the second, to see that children attended school up to 13 under ordinary circumstances. He had only one word to say in answer to his hon. Friend's suggestion, and that was that compulsion terminated upon a certificate being shown that a child could read and write, and had a small knowledge of arithmetic.

Amendment, by leave, *withdrawn.*

Clause 68 (Defaulting parents may be proceeded against by the procurator fiscal on a certificate from the board).

MR. M'LAREN said, he had two Amendments on this clause, the object of which was to introduce a cheaper form of legal procedure. The first Amendment was to enable the board to appoint a person other than the Procurator Fiscal to prosecute a defaulting parent, and the second was to enable the prosecution to be laid before two justices or the sheriff of the county. The hon. Member observed that Procurators Fiscal were "few and far between," while justices of the peace were as plentiful as blackbirds, and concluded by moving, in page 29, line 9, after "resides," to insert "or other person appointed by the board."

THE LORD ADVOCATE said, he was not disposed to offer any objection to a proposal intended to save expense, and therefore he was inclined to assent to the Amendment in so far as another person appointed by the board was concerned—that was to say, the board was to be at liberty to appoint a proper person other than the Procurator Fiscal to prosecute under this clause. But he was inclined to be more tenacious of the sheriff's jurisdiction, of whom they had enough in Scotland to perform this duty, which, particularly at the commencement, would be of a somewhat difficult and delicate character.

Mr. M'LAREN said, he was satisfied with the concession made by the Lord Advocate, and would not press his other Amendment with regard to the justices of the peace.

Amendment *agreed to.*

Mr. SCOURFIELD moved, in page 29, line 16, to leave out "three" and insert "six," the object being to allow legal proceedings to be repeated against defaulting parents at intervals of not less than six months, instead of three.

Amendment proposed, in page 29, line 16, to leave out the word "three," and insert the word "six,"—(*Mr. Scourfield,*) —instead thereof.

Question proposed, "That the word 'three' stand part of the Bill."

Mr. CRAUFURD opposed the Amendment.

The LORD ADVOCATE also intimated that he could not assent to the proposed change.

Question put, and *agreed to.*

Mr. F. S. POWELL moved, in page 29, line 17, after the word "fund" to insert the words—

> "No requirement in this section contained shall be held or construed to apply to any child employed in any kind of labour, and receiving instruction in conformity with the provisions of the Factory Acts, or of any Act in force at the time being for regulating the education of children employed in labour or in any industrial occupation above ground or in mines."

The hon. Gentleman said that the Amendment was copied, with slight alteration, from the by-laws used in England.

Question proposed, "That those words be there inserted."

Mr. BRUCE understood the object of the clause was to exempt children from the operation of the Act as to attendance at school who were already receiving instruction on the half-time system, under the Factory Act, from the age of 6 to 13; but it also applied to children working in mines where the age was 12 years. He questioned whether exemption from the operation of the Act should be provided in the latter case. He hoped the Amendment would not be pressed.

Mr. TREVELYAN strongly objected to the insertion of the words proposed by the hon. Gentleman. This Bill represented the Scotch opinion as regards the obligation of parents towards children in 1872, and he did not think the measure should be hampered by provisions which represented the English feeling with regard to education in years now long gone by. The provisions of the Factory Acts were not meant to represent the maximum of education and exemption from labour—on the contrary, they represented the minimum; and it was important, now that school boards were being established over the whole of Scotland, that they should not be burdened with any conditions except those which were imposed by their own feelings as to the amount of education the children should have. It was most important that this Bill in its entirety should represent the feeling of Scotland. The addition of the words proposed simply brought them back to other times, and to the opinion of another country, and it was therefore desirable that they should not be inserted.

Mr. J. LOWTHER was surprised to hear the hon. Gentleman use the expression "another country." That the country commonly called England should be spoken of in that House as "another country," must surely gladden the heart of every ardent "Home Ruler."

Mr. ANDERSON asked if the hon. Member who proposed the Amendment was aware that the half-time system had taken no hold in Scotland, and that the teaching under it was of the worst possible description? Having had experience of it, he would not be surprised if the school boards thought the education under it was of so insufficient a character that they would not take it as an excuse under the provisions of the Bill.

The LORD ADVOCATE said, he could not assent to the Amendment. The purpose of the hon. Gentleman, as he understood it, was to make it reasonably certain that the parents of a child who was employed, and was at the same time receiving instruction in conformity with the provisions of the Factory Act, should not be prosecuted as a parent who had grossly neglected his duty to his child. If the words proposed, or any others, were necessary to the attainment of that object, he should not oppose the Amendment, but he trusted his hon Friend would find that it was not so. It was declared by Clause 67 that it should be the duty of every parent to provide elementary education for his children, and if he was unable, from poverty, to discharge that duty, then it was put upon the school board to provide instruction for him, and upon the parochial board to pay for it. Clause 68 provided for the case of defaulting parents who were neglecting their duty, and neglecting it grossly and without reasonable excuse. The hon. Member would perceive that it was only after the school board had called the defaulting parent before them and given him an opportunity of explaining why his children were not at school, and being dissatisfied with his explanation, that they were to certify in writing that he had been and was grossly and without reasonable excuse failing in the discharge of his duty in providing elementary education for his children, and that prosecution was to take place. No school board would, in the first instance, certify that a parent was grossly neglecting his duty to provide elementary education for his children who was providing them employment and instruction under an Act of Parliament; or, if they did so certify, there was no sheriff who would convict in such a case. Any such procedure would be an outrage on common sense. He therefore trusted the hon. Member would not press this Amendment.

MR. ORR EWING recommended the hon. Gentleman to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Clause 69 (Method of procedure).

MR. M'LAREN moved an Amendment reducing the amount of expenses in which offending parents are proposed to be mulcted from 40*s.* to 5*s.* The hon. Gentleman argued that it was cruel to require a poor man to pay 40*s.* for the expenses of the prosecution against him, and pointed out that under the English Bill the penalty for the breach of any by-law should not exceed 5*s.*

Amendment proposed, in page 29, line 23, to leave out the word "forty," and insert the word "five,"—(*Mr. M'Laren,*) —instead thereof.

THE LORD ADVOCATE reminded the hon. Member for Edinburgh that the fine of 5*s.* provided for in the English Bill could be imposed every 24 hours; whereas the fine of 40*s.* sanctioned by the Bill now before the House could only be imposed once in three months. The sum of 40*s.* was the maximum, and there might be cases in which the expenses of witnesses amounted to that sum; but he thought that in the majority of cases the expenses would be trifling.

MR. J. LOWTHER supported the Amendment, and hoped the hon. Member for Edinburgh would divide the House.

SIR ROBERT ANSTRUTHER said, he hoped hon. Gentlemen would remember that they were dealing with Scotland. The penalty had been fixed at 5*s.* in England, because public opinion in England was not prepared to go higher, and 40*s.* had been determined upon in Scotland, because they were prepared to go higher. They had made up their minds in Scotland that every child should be educated.

MR. ORR EWING remarked that law was very cheap in Scotland, and that the Amendment might conveniently be adopted.

SIR JAMES ELPHINSTONE said, that he had seen a good deal of sheriffs law, and had no respect for it. As the proposal of the Government placed large power in the hands of the sheriffs, he should support the Amendment if his hon. Friend went to a division.

MR. CANDLISH urged the Government to accept the Amendment. The Act would work more smoothly with moderate and lenient penalties, and though the English Act did not limit the frequency of prosecutions, they could not reasonably be instituted oftener than once in three months.

MR. GLADSTONE said, there was a certain point beyond which if they reduced the scope of the penal clauses they weakened law. If compulsory education were introduced at all it must be backed by such provisions as would make it effectual. He thought 5*s.* too low a limit; but there was no limit to the frequency with which it might be exacted, as it might be renewed from day to day. There was a provision in the Scotch Act which might make the maximum infliction reach the sum of 8*s.* four times in the year. In the English Act the amount was limited to 5*s.*; but there was no reason why it should not be imposed 100 or even 200 times in the course of a year, and the possible severity of the one case was an equivalent for the higher figure in the other. If the hon. Member moved that the amount should be reduced to 5*s.* in the case of Scotland, in common consistency he must move that the limit of three months which had been fixed should also be further limited.

Sir DAVID WEDDERBURN said, when the interval between which the summons could take place was reduced from six to three months, the amount of the fine was reduced from £5 to 40*s.*; and in the same way he now thought it might be desirable to make a similar reduction as regarded the 40*s.* expenses. He ventured to suggest that the sum should be fixed at 10*s.*

Mr. ANDERSON thought 40*s.* too high and 5*s.* too low. If 5*s.* was fixed, it might prove insufficient, and the school board would have to pay the difference, and thus be discouraged in taking action. He thought 20*s.* would be a fair sum.

Mr. M'LAREN said, if Her Majesty's Government would accept 20*s.*, he had no objection to withdraw his proposal.

Question, "That the word 'forty' stand part of the Bill," put, and *negatived.*

Question, "That the word 'five' be inserted, instead thereof," put, and *negatived.*

Amendment proposed, to insert the word "twenty,"—(*The Lord Advocate,*)—instead thereof.

Question, "That the word 'twenty' be inserted, instead thereof," put, and *agreed to.*

Sir JOHN HAY pointed out that Clause 71 enabled certain children who were very proficient to be exempted from attendance under the Inspector's certificate; but there was another class of children who ought to be exempted from attendance also, but who were not so exempted; he meant children who were not of strong intellect or of strong bodily frame. It would be improper to compel such children to attend school, and he therefore suggested that words should be inserted in the clause providing that any child should be exempted from attendance who obtained a medical certificate of inability to attend.

The LORD ADVOCATE said, that Clause 68 would satisfactorily meet the case put by the hon. and gallant Baronet.

Clause 72 (Copy of list of defaulting parents, &c.)

Mr. F. S. POWELL moved to leave out the clause. Clause 68 enacted that a list of parents who were in default should be made. But this clause went further. It enacted that that list, in which the names of parents were to be placed without their being heard, and without an opportunity being given to them to show cause why their names should be erased, should be sent to the various police authorities throughout the country in order to be entered in a record. One of the ways to make a law unpopular was to make the penalties it imposed unnecessarily severe. To employ the police at every turn in carrying out a law would make it unpopular.

The LORD ADVOCATE said, so much objection had been urged against the retention of this clause by those whose opinion he valued, that he did not feel disposed to fight for its retention.

Mr. GREENE said, it was necessary to watch Her Majesty's Government very closely with regard to the penalties. They were in every Bill, and, in fact, this might be called "a penalty Government."

Clause *struck out.*

Clause 77 (Repeal of Acts at variance with this Act).

On Motion of The Lord Advocate, the words "at variance," in page 31, line 26, were struck out, and the word "inconsistent" inserted.

The LORD ADVOCATE moved to add the following words to the end of the clause:—

"And provided, That any sum payable to a schoolmaster prior to the passing of this Act, under the Act of the first and second years of the reign of Her present Majesty, chapter eighty-seven, shall continue to be paid to him so long as he holds the office of schoolmaster on account of which such sum was payable to him, and shall thereafter be paid to the School Board of the parish in which he held such office, for the purposes of the school fund."

MR. M'LAREN said, he had been told, on good authority, that in some of the Highland districts the schools had fallen into desuetude, and though the schoolmasters continued to receive their salaries and their schoolhouses, there were no scholars attending them. It could never be the intention of the Treasury to pay salaries to those schoolmasters who did not perform any duties; and therefore to meet the cases to which he had referred, he moved to insert the words "and performs the duties" after the words "holds the office of schoolmaster."

THE LORD ADVOCATE said, he could not consent to accept the Amendment. The office of schoolmaster was statutory. [Mr. M'LAREN: And so were the duties.] He (the Lord Advocate) had never heard of any such cases as those to which the hon. Gentleman referred.

Amendment *negatived.*

Bill to be read the third time upon *Thursday*, and to be *printed.* [Bill 210.]

MINES (COAL) REGULATION (*re-committed*) BILL.—[BILL 150.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE. [*Progress 21st June.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.

Employment of Women, Young Persons, and Children.

Clause 11 (Employment of women, young persons, and children above ground about mines).

MR. BRUEN, who had an Amendment on the Paper to omit from the clause the provision of a Saturday half-holiday to such persons so employed, said he did not intend to proceed with it; but there were some coal workings in Ireland where such a provision was unnecessary; and he would therefore move the insertion of the following words at the end of the clause:—

> "The provisions of the clause as to the employment of women, young persons, and children after two o'clock on Saturday afternoon, shall not apply in the case of any mine exempted in writing by the Secretary of State."

That would give to the Home Secretary the power to exempt from the operation of the half-holiday any part of the country to which the provisions of the clause were not applicable.

MR. BRUCE said, he had received no objection to the clause as regarded Great Britain. No doubt in Ireland many feast days and festivals were observed and interfered with the regularity of labour. Workmen in Ireland would often themselves object to leave off work at 2 o'clock on Saturdays. Therefore, the Secretary of State might properly have the power of exempting mines in Ireland from the operation of the clause; but the Amendment ought to be strictly limited to Ireland.

MR. BRUEN then moved the insertion of the words "in Ireland."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 12 (Register of boys and male young persons employed in mines).

MR. PEASE moved, in page 5, line 40, after "employer," insert "other than the owner, agent, or manager," on the ground that they were often not responsible for the keeping of the register, and that the responsibility should rest on the manager. The noble Lord at the head of the Foreign Office, as a colliery owner, might become responsible in this way, though he and other owners might seldom go near their mines.

MR. BRUCE thought it essential that the owner and agent should be responsible for proper compliance with the Act.

Amendment *negatived.*

Clause *agreed to.*

Clause 13 (Employment of young persons under 18 about engines).

MR. FOTHERGILL asked why the driver of an animal which worked the engine should be restricted to a boy or male person, and why a woman should not be employed in this capacity? He knew of works in South Wales which had been stopped, and their stoppage was generally supposed to be due to legislation with regard to female labour. He visited the works when they were in operation, and they were pretty well manned with women. Several engines were worked by women; there were none but women throwing coal on and looking after the horses. He did not want to compel women to be drivers, but if they liked the occupation, he did not see why they should not follow it.

In conclusion, he moved the substitution of the word "person" for "male."

MR. LIDDELL said, the dress women wore was a sufficient reason why they should not be in charge of engines.

MR. BRUCE said, he had no doubt that some of the employments mentioned in the first paragraph of the clause might be followed by women; but the charge of an engine required firmness, courage, and presence of mind, and ought not to be entrusted to a woman.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clause 14 (Penalty for employment of persons contrary to Act).

MR. STAVELEY HILL moved the insertion of the words "knowingly and wilfully," to save an employer from being punished for a misrepresentation as to a boy's age. The words were recognized legal terms, introduced into most Acts, and their meaning was well understood.

Amendment proposed, in page 6, line 21, after the words "with or," to insert the words "knowingly or wilfully."—(*Mr. Staveley Hill.*)

Question proposed, "That those words be there inserted."

MR. BRUCE said, so far from the words being introduced into all previous legislation and their omission being a novelty, they did not occur in the Factory Acts, under which many Members of the House conducted their works. The policy of the Act was to require that they and their agents should keep a sharp look out as to the ages of the children they employed. The latter part of the clause sufficiently protected an agent or owner who was misled by a false representation.

MR. RODEN regretted that the right hon. Gentleman had not accepted the Amendment. At a large meeting of miners which had recently been held it was unanimously agreed that the word "knowingly" ought to be adopted, and he thought such an expression of opinion ought to be respected by the right hon. Gentleman.

MR. LIDDELL hoped that the Government would assent to the Amendment, which was simply founded on justice. It would not be fair to inflict penalties on persons who infringed the law in utter ignorance. The men engaged in mines admitted themselves that the insertion of the proposed words was only a matter of justice.

MR. BRUCE stated that he wished on the part of the Government to say that, while he would listen with the greatest respect to the representations of persons interested in legislation on this subject, it was contrary to a proper sense of responsibility on the part of any Government to be bound by any compromise come to by persons out-of-doors; and it was his business to see that the law proposed by the Government should be effective. In this case he did not think that the act of the owner, simply because he was ignorant, was an innocent act. It was the owner's duty to take proper precautions against the infringement of the law, and there were instances where proper precautions were not taken.

MR. MUNDELLA observed that though it was maintained to be unjust to inflict penalties on persons who had no intention to violate the law, yet the Factory Acts made individuals liable for negligence, and they could not plead ignorance in extenuation, for, if they were allowed to do so, the Factory Acts would become a dead letter.

MR. HUSSEY VIVIAN mentioned that the owner of a factory passed frequently through his factory, and had many opportunities of seeing and judging of the age of the persons employed; whereas the owner of a coal mine was very rarely in it, and seldom saw the persons employed underground, and to make him criminally responsible, as proposed by the Bill, seemed to be an extreme proposition.

LORD ELCHO regretted that the Home Secretary would not accede to the Amendment. He admitted the soundness of the principle that the Government could not consider themselves bound by any decision come to by any body of men out of the House; but when persons who were the most interested in the operation of this Bill agreed upon any point in connection with it, that might be taken as *primâ facie* evidence in its favour. Seeing that the workmen wished the proposed words to be introduced, he would certainly vote for the Amendment if it were pressed to a division.

MR. AKROYD, as a factory owner, could not allow the distinction drawn between factory owners and mine owners.

Although factory owners were not protected by the word "knowingly," he had never suffered a penalty, and he objected to any body of gentlemen determining elsewhere what should be done in the House. If the mill-owners had been consulted before the Factory Acts were passed these Acts would never have become law.

MR. JAMES hoped his right hon. Friend the Home Secretary would not agree to the Amendment, but would hold by the clause as it stood. He protested against this agreement on the part of workmen and employers, for both of those parties were interested in objecting to the restrictions imposed by the Secretary of State. ["No, no!"] At any rate, the children ought to receive the independent consideration of the House. If the word "knowingly" were inserted, nothing would be more easy than to shift the burden of responsibility, and it would be perfectly hopeless to support a conviction. It was to prevent people from being passive and to make them active that the law was necessary. If it should so happen that a charge were preferred before magistrates who were mine owners, it would be impossible to prove the word "knowingly" to their satisfaction.

LORD ELCHO wished to enter a protest against the suggestion of the hon. and learned Member as to the considerations influencing mine owners in regard to this Bill. The hon. and learned Gentleman said it was necessary to guard the children of miners.

MR. JAMES said, he referred to all children, and not merely the children of miners.

LORD ELCHO observed that the hon. and learned Member implied that it was requisite to guard children against their parents. [MR. JAMES: No, no!] He was glad he had misunderstood the hon. and learned Gentleman, because he knew that one of the main objects of the mining population was to protect their children in this matter.

MR. RYLANDS contended that the present clause violated every principle to the prejudice of the employers. Under it four or five distinct penalties could be sued for in relation to one single case. They were really over-legislating on these matters, and there were so many penalties in this Bill that there was every reason to believe it would defeat its own object. The imposition of so many penalties on owners and agents would render legislation altogether intolerable.

MR. SCOURFIELD could understand a person being punished for contravening an Act of Parliament; but he could not understand the propriety of punishing a man for "permitting another to fail" in his duty. That was assuming something like omniscience on the part of the employer.

MR. GOLDSMID thought his hon. and learned Friend the Member for Taunton (Mr. James) had, as usual, much overstated the case. His hon. and learned Friend appeared to derive his notion of legislation from the Continental idea of paternal government. He (Mr. Goldsmid) could not see how a proprietor of a mine could be punished for "permitting another to fail" in his duty. It was highly desirable that the word "knowingly" should be introduced, at least so far as it applied to absent owners or agents.

MR. HERMON suggested that unless the clause was modified the Home Secretary ought to indicate some standard by which an employer of labour might ascertain the age of the children he employed.

MR. B. SAMUELSON remarked that if, as stated by the hon. Member for Glamorganshire (Mr. H. Vivian), mine owners were less acquainted with their works than factory owners, if "knowingly" was inserted they could never be made responsible. They should be very careful not to allow too much weight to compromises come to behind the back of the Committee. If they gave way in this matter it would be the children who must suffer, whom they were bound to protect.

MR. FAWCETT quite agreed with his hon. Friend the Member for Warrington (Mr. Rylands) that there was in some matters a great danger of over legislation, and he hoped he would remember the cheers he received in making that admission when next he proposed to carry a Bill to prevent a man getting a glass of beer. He thought his hon. and learned Friend the Member for Taunton (Mr. James) had been somewhat misunderstood. He did not think he meant to make any sweeping accusation against the parents or employers of children in mines; but because there were some employers and some parents who overworked their children and subjected them to conditions to which children ought not to be subjected it was necessary for the Legislature to interfere. He entirely approved what the hon. Member for Halifax (Mr. Akroyd) had said, and he thanked the Government for having resisted this Amendment.

Mr. OSBORNE MORGAN pointed out the difficulty there would be in discovering the age of the child. He could not believe that hon. Members really wished to treat mine owners as if they were a set of Molochs as regarded children. He felt it his duty to enter his protest with that of the noble Lord the Member for Haddingtonshire (Lord Elcho) against the remarks of the hon. and learned Member for Taunton (Mr. James).

Mr. SEELY (*Nottingham*) would object to the infliction of criminal penalties unless knowledge of the acts was proved, but this clause only imposed penalties. He hoped, therefore, the Government would adhere to it.

Mr. T. E. SMITH remarked that in the case of sailors, pointsmen, &c., the principals were held liable, and that the Amendment would defeat the purpose of the Bill. An owner whose manager was fined would take care he did not offend again, or he would dismiss him.

Mr. STAVELEY HILL doubted whether the Factory Acts contained so sweeping an enactment, and he could not understand why the word "knowingly" should be inserted in a subsequent clause and excluded from this. [Mr. Bruce said, he intended to omit it in the clause referred to.] He admitted that Parliament was not bound by the decision of the masters and men, but their practical experience entitled them to great weight, and two Inspectors present at the conference concurred in the decision.

Mr. ILLINGWORTH said, that while the great majority of owners would willingly keep within the terms of the law, there was a small minority who would try to avoid doing so, and against that it was necessary to guard. Under the analogous provisions of the Factory Acts there had been no unfair informations since they had fully come into operation, though at an early period in their history employers were treated with injustice.

Mr. BROWN had no apprehension of the owners being proceeded against. The certified managers would be held responsible for the Act not being infringed.

Mr. LEEMAN said, the word "owner" would subject every shareholder in a joint-stock company to the penalties provided by the Act. What, then, did the Home Secretary mean by making a body corporate responsible? If the word "knowingly" were not inserted every poor woman who had a share in a coal mine would be liable to be sent to prison.

Mr. BOUVERIE was of opinion that the clauses already passed naturally involved this clause in its present shape. Whether or not it was right to interfere in this wholesale way with the conduct of business and the age and sex of the persons employed, it was necessary after adopting that principle to insure its being carried out. The owners of mines might say they were fined for wrongs of which they were ignorant; but still they had the management of the mines. Unless a penalty was put in the right way, they might as well not place any penalty at all.

Mr. FOTHERGILL said, that owners had not the power they were supposed to possess. They could not enforce what they wished to have done. Their workmen were their masters, and they knew it; their agents were very nearly their masters, and they knew it. If he discharged an agent he did not know where to get another; he punished himself and not him. The same with the workmen; they had 20 situations waiting for each of them. Under these circumstances, to punish employers for acts of which they had no knowledge was an absurdity. Of course, employers could be mulcted as long as they had anything to pay with, but it was an injustice; the right persons would not be punished, and the object sought would not be accomplished. The immediate employer of the youth under age—the person who infringed the Act—was the person to be punished, and not the head of the house. He had no power to compel those under him to do what he wished; the Bill did not give him power, and he could not exercise it if it did. The owners would have to suffer, and yet the object in view would not be accomplished.

Mr. MUNDELLA said, that no one ever dreamt of proceeding against every individual shareholder in a joint-stock company; any penalty imposed upon it fell upon the share capital; and there was one person who could sue and be sued in its name, and who represented the company before the magistrates.

Mr. LEVESON GOWER said, that years ago they passed a prohibition of the employment of women underground; that had been perfectly successful; women were no longer employed underground; and why should not a prohibition which had been effectual in one case be effectual in another, without making innocent people liable for acts they had no intention of committing?

Mr. BRUCE wished to say, in reply to the last observation, that females were all distinguished by their attire, while it was impossible to tell from appearances whether a boy were 10, 11, or 12 years of age. Under the Factory Acts employers had for years borne the responsibility which it was now sought to put upon coal-owners; and, until to-day, he had not heard of a single complaint of the administration of the law. The statement of the hon. Member for York (Mr. Leeman) that every individual shareholder in a company might be summoned, was one that refuted itself. Under the Factory Acts the responsibility of proving the age of a person employed was thrown upon the employer, who, through his agent, took the trouble and responsibility of inquiring from parents and guardians the ages of the boys employed. It was his conviction that the moment this responsibility was put upon the coal-owners they would take effectual steps to prevent the employment of children under the proper age; and if by any misfortune they were not obeyed, and they were summoned, he would undertake to say they would not be summoned again. The difficulties and objections urged against the clause were bugbears; and if the Amendment were adopted it would in 99 cases out of 100 be impossible to bring home to employers a breach of the prohibition upon which the success of the Bill, so far as children were concerned, mainly depended.

Mr. GATHORNE HARDY said, the difficulty in this case turned upon the peculiar words of the section. He could not find anything of the same kind in the Factory Acts, which were couched in different terms. They said that if an offence were committed for which the employer was legally responsible, and it should appear that the same had been committed without his personal sanction and concurrence, it should be lawful for the Inspector to summon him. In other words, before proceedings began trouble was to be taken to ascertain who was the real offender. They did not find in the Factory Acts anything about permitting or suffering a person to do or not to do a thing, words which were wide, without the proposed qualification, particularly when the employer was to be liable to a criminal proceeding. He would recommend that in this case they should either use such language as was used in the Factory Acts, or that at the end of the clause words should be added exonerating the owner who could prove that he had done all that could be reasonably expected of him. It was absolutely impossible that he could exercise any control in individual cases; it would often be impossible that such control could be exercised by the agent of one pit. Therefore, they ought to proceed first against the man who was the immediate employer, and leave him to show that the owner was responsible. Then, if it were shown that the owner had not done what he ought to have done, he could be proceeded against; but he ought not to be punished for a crime which he had not committed if he had informed the agent of his duty. In the first instance, proceedings ought to be taken against those who had immediate control, power being reserved to fall back upon the masters if they had not issued proper instructions. He thought, therefore, that unless some qualifying words were inserted, the Committee would bring people into a danger into which they did not intend they should be brought.

Clause, as amended, *agreed to.*

Question put.

The Committee *divided*:—Ayes 185; Noes 170: Majority 15.

Committee report Progress; to sit again upon *Thursday.*

SUPPLY.—REPORT.

Resolutions [June 24th] *reported.*

Resolution 2 (£26,400, Martial Law).

Sir COLMAN O'LOGHLEN said, that on the Vote in Committee yesterday a sum of £2,000 was voted for the Judge

Advocate General. He then asked what position the office stood in at present; and his right hon. Friend the Secretary of State for War stated that though they had asked for £2,000, the expense of the office was only £500. He wished to ask the right hon. Gentleman whether, before any final decision was come to with reference to any alteration in the office, an opportunity would be given to the House to express an opinion on the proposed change? He himself entertained a strong opinion that the office of Judge Advocate General should not be abolished.

MR. CARDWELL said, he thought he ought not to be called on to enter into any engagement. What he meant yesterday, and what he would repeat now, was this—that the whole question of the duties and responsibilities of the office was to be considered by the Government in connection with the alteration and consolidation of the Military Law recommended by the Royal Commission of which his right hon. Friend (Colonel Wilson-Patten) was the Chairman. In order to take the whole question into consideration, no permanent arrangement with regard to the office had been made; and in the meantime the office was temporarily held by the Judge of the Admiralty Court.

MR. KINNAIRD was very glad his right hon. Friend did not accede to the suggestion of the right hon. and learned Gentleman. It would be a bad thing for economy if, when a plan for the amalgamation of offices was proposed and an hon. Gentleman from Ireland objected, the Government were to give way.

Resolution *agreed to.*

Resolution 7 (£1,134,632, Post Office Packet Service).

THE ATTORNEY GENERAL said, he understood that last night the Postmaster General gave a pledge that some explanation should be given by one of the Law Officers on this matter. As far as he was concerned, he was not in the least aware that any question would be raised on the Vote, or he would have been in his place. He admitted that it was the duty of the Law Officers of the Crown to be in the House when they knew or were informed of any matter coming on about which their advice might be required; but he could not agree that it was their duty to be present "from early morn to dewy eve" in case they might be wanted. That would make the position of Law Officers one which no gentleman would accept. The explanation he had to give as to the form of the Vote was this—There had been disputes between former Governments and Mr. Churchward, and a suit was now pending in which Mr. Churchward was the appellant. That suit was hung up in the Court of Exchequer Chamber; Mr. Churchward had the conduct of it, and could at any moment withdraw his appeal and so put an end to the suit. As he did not choose to do so, it was necessary from time to time to insert this notice, in accordance with a solemn Resolution come to by the House of Commons. He felt that this notice, so appearing in the Votes year after year, had a disagreeable and an awkward look. Sir Robert Collier and he had been asked whether it could not be dropped. So had the Solicitor General and he; and in both cases they had advised the Government that it could not be dropped with safety, but that, in fulfilment of the pledge given to the House of Commons, it must appear in some shape or other, either in the Votes or—which would, perhaps, be better—in the Appropriation Bill.

Resolution *agreed to.*

Remaining Resolutions *agreed to.*

And it being now twenty minutes to Seven of the clock, the House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

THE FIJI ISLANDS.

MOTION FOR AN ADDRESS.

MR. M'ARTHUR, in rising to move—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to establish a British Protectorate at Fiji,"

said, he was aware that a subject of this kind had not much interest in that House, but it was regarded as of great importance in Australia; it materially affected British interests in the Pacific; it involved the protection of a large portion of Her Majesty's subjects; and it had now assumed such magnitude that the Government must deal with it in some form or other. The Islands numbered 200 or 210, the natives were superior in strength and intelligence to any other of the races of the Pacific; but some years back cannibalism and human sacrifices prevailed amongst them to an enormous extent, and they were amongst the most ferocious and degraded of the inhabitants of the Pacific Islands. In 1834 a few Wesleyan missionaries, with true apostolic zeal, went forth, taking their lives in their hands, to reclaim these degraded savages, and few greater triumphs had been achieved in the history of the Christian Church than in these Islands during the last 37 years. The greater part of the Fijians had embraced Christianity, cannibalism had been abolished, schools had been established, and churches built, and the King and a large number of his Chiefs had embraced Christianity; and not only so, but the Scriptures had been translated, and were now in the hands of 100,000 natives. The Fiji Islands occupied one of the most important stations in the Pacific, forming the key of Polynesia. They were upon the direct track to San Francisco and British Columbia, and in the hands of a foreign Power would do us serious mischief. In 1859 the Sovereignty of the Islands, with 200,000 acres of land, had been offered to Great Britain. Colonel Smyth had been sent out to report on the propriety of accepting the cession. That officer had either been unfit for his task, or went there with a prejudice against the proposal, for his replies to the three leading questions put to him by the Government were, that the Islands did not lie in the path of any great commercial route; that the navigation was dangerous; and that they did not as a station afford us any security in the Pacific, while the prospective supply of cotton could never be otherwise than insignificant. Captain Washington, hydrographer, on the other hand, gave the very contrary replies to these queries; and had since been corroborated by the hon. and gallant Member for Stirlingshire (Admiral Erskine) in the account he had published some years ago of his cruise in the Pacific Ocean. With regard to the first point, a new line of steamers was projected from Sydney to San Francisco, and the Fiji Islands lay in their direct track on the great circle, and would also be a convenient station for the line plying from Vancouver's Island and British Columbia to Australia and New Zealand. As to the supply of cotton, an eminent botanist, Dr. Berthold Seeman, had borne his testimony that the Fiji Islands had seemed specially made for the growth of that plant, which could be cultivated on almost every rood of the land; and whilst in 1865 the exports in value amounted to £9,000, in 1871 they had increased to £88,920, and the increase in tonnage between Fiji and Sydney was not less than 100 per cent. Not only that, but while the price of ordinary cotton in Manchester was 10*d.* or 1*s.* per lb., that from Fiji realized 3*s.* and 3*s.* 2*d.* It could not be expected that a country possessing so many advantages would remain long without attracting the attention of colonists, and there were now upwards of 2,000 persons, all British subjects, who naturally looked to Great Britain for protection. The subject was taken up at an Intercolonial Conference held at Melbourne in 1870, and the unanimous opinion expressed in a resolution was, that it was of the utmost importance to British interests that these Islands should not form part of or be under the guardianship of any other country than Great Britain. At a public meeting held at Sydney also, it was agreed that a Petition should be presented to the Legislative Council, stating that the Fiji Islands had, within the last few years, become peculiarly interesting, affording great facilities for commercial enterprize and the extension of agricultural operations—that the condition and prospects of the Islands were exceedingly unsatisfactory, and the source of much anxiety to the well-wishers and promoters of Christian civilization in the Pacific Ocean—that Her Majesty's Government having declined to proclaim the Fiji Islands a British colony, notwithstanding the desire of the inhabitants, they were liable to be annexed by any maritime Power other than Great Britain. A memorial embodying these views was sent to the Home Government; but the application made was declined, Lord Kimberley stating that Her Majesty's Government could not depart from their original intention not to extend British Sovereignty to these Islands; but his Lordship added that the Government were prepared to give any aid in their power, by means of the Consul, for the maintenance of order until the European community could establish a regular Government. A copy of this despatch was forwarded to the Earl of Belmore, Governor of New South Wales, with an intimation that if that colony wished to annex Fiji, the necessary powers would be conferred upon it for the purpose. The colony of New South Wales very properly declined to take such a step, regarding the question as an Imperial one. Sir James Martin, on behalf of himself and his colleagues, expressed great regret at the course taken by the Earl of Kimberley and the British Government, who were willing to recognize any regular Government which the European community might establish in Fiji, but were not prepared, as British Ministers to undertake the responsibility and incur the expense of converting Fiji into a British colony; and they added that they were not aware of any precedent for such an invitation to a few Europeans to establish a separate nationality for themselves, and that the question was an Imperial one, and ought to be taken up by the Imperial Government, which had naval force enough to protect any Government which might be created under Imperial auspices. These were the words of statesmen, in which he fully concurred; and he trusted the British Government would ultimately yield to the unanimous wish of its Australian subjects on the question. The Victoria correspondent of *The Times*, writing in July last, said that great satisfaction was felt with the manner in which the Premier deprecated the project to annex Fiji to New South Wales, because such annexation, to be of any benefit to either party, must be the work of the Imperial Government; the acquisition of what must one day be one of the great depôts of the Pacific was a consideration of importance to Great Britain; the English Government advanced no reason against it but the expense, and to acquire the Islands at the expense of a few thousands would be a stroke of good policy. In fact, the policy of the Government was penny wise and pound foolish. Acting on the suggestion of the Earl of Kimberley, a Government had been formed, which commanded neither respect nor confidence; an association had been formed to resist the payment of taxes; and that Government was now drilling a force of natives to maintain its authority. With regard to its conduct towards the natives, it was of the most arbitrary character, and it appeared from *The Fiji Gazette* that it was the intention of the Government at an early day to institute measures for the inauguration of a military force to bring under subjection the mountaineers, and to occupy their land. If the Fiji Islands were under a British protectorate nothing of that kind would, in all probability, occur, nor would such outrages as those committed upon the British Consul, and which were detailed in *The Daily News* of the 10th of April last, happen. Her Majesty's Government, after trying to shift all responsibility on to the shoulders of the colony of New South Wales, thereby showing that it was not at all a matter of principle, now declined to recognize the unanimous voice and feelings of our friends in Australia. In the interest of Christianity, commerce, and liberty, he regretted that the money question, which, after all, was but a very small one, should stand in the way of putting down the slave trade, for they might depend upon it, that however much money they might spend in endeavouring to attain that object, they would never succeed until they assumed the protectorate over these Islands. Such a consideration as that did not stand in the way of former Governments when the suppression of the African Slave Trade was aimed at. Again, it should be remembered that Fiji offered many advantages for the establishment of a naval station in the Pacific, and that would be a very important matter if we intended to maintain our naval supremacy. They would not have to make conquests for a naval station there; but having made them, he thought it was a matter well worthy the consideration of the Government. Was it not possible, he asked, to have such a British protectorate in Fiji as existed on the Gold Coast of Africa, and which, it should be borne in mind, had conferred such blessings on the natives of that Coast for the last 40 years? Moreover, such protectorate need not assume an extensive form, and the cost, as estimated, would not exceed £7,000 a-year. France and America had places in the Pacific under their protection, and he could not perceive any reason why this country should not extend its protectorate to Fiji. The course we had pursued of late years of refusing to extend our Colonial Empire had led us into many unfortunate wars, and had, in most instances, to be abandoned. He trusted that policy would not be pursued in the present instance, and that the fine opportunity we now possessed of acquiring these Islands would not be thrown away. On economical grounds alone it would be advisable that we should take these Islands under our protection, as otherwise we should be put to a large expense in endeavouring to put down the practice of kidnapping, to which reference had been made in "another place" last night; whereas, if Fiji had a protectorate, two gunboats would be sufficient not only to prevent kidnapping, but also to enforce our authority there. Then, again, the King wished to be under British protection; the people wished it; the missionaries desired it; so did the manufacturers and also the colonists; while civil government was urgently required to complete the blessings we had conferred upon it. Therefore, he thought it was only reasonable that the Government should accede to their united wishes. In conclusion, he must say that it was not often that he entirely concurred in the views expressed by the right hon. Member for Buckinghamshire (Mr. Disraeli); but he most cordially agreed in that part of his speech last night, at the Crystal Palace, in which he said—

> "In my opinion no Minister in this country will do his duty who neglects any opportunity of reconstructing as much as possible our Colonial Empire, and of responding to those distant sympathies which may become the source of incalculable strength and happiness to this land."

The hon. Member concluded by moving the Resolution of which he had given Notice.

ADMIRAL ERSKINE, in seconding the Motion, said that his hon. Friend (Mr. M'Arthur) had appealed to him to give the House his personal experience of the goodness of the Fiji harbours and the admirable position of those Islands, which he had obtained 20 years ago, when he was the commanding naval officer at that station. At that date he had reported to the Admiralty that the Islands would form a valuable coaling station for Her Majesty's ships in the Pacific, and that the harbours in them were easily accessible to large ships, and available in every way for naval purposes of all kinds. In consequence of the rapid progress of the inhabitants of those Islands in civilization, the time had arrived when we had a right to demand that the community should be placed under regular and responsible government. As an instance of the rapidity of the progress which these Islands had made during the last few years, he might mention that in 1849 he gave the Chief Thackombau, now erroneously called King of Fiji, who has now a Minister of Finance, and who, shortly afterwards, paid the American Government 40,000 dols. for alleged injury done to a Consul, the first dollar he had ever possessed, although at the time His Majesty would have much preferred a musket instead of coin. In 1849 the White population of the Islands consisted of 14 or 15 Englishmen, who possessed one schooner of 25 tons, while the exports and imports were not of more value than £100 per annum, whereas at the present time, the White population numbered 2,040 souls, and the exports were of the annual value of £90,000, and the imports of £82,500; while the number of vessels over the whole of the Group were according to the last return no less than 211. Almost all our colonies had been formed originally by voluntary settlement, and it had afterwards been necessary for this country to step in and give them the benefit of some system of law and government. In the same way, and upon the same principle, the progress of affairs in the Fiji Islands proved that even where there existed but a very small community of White people, it was requisite that some protection against violence and lawlessness should be established. The interests of the natives and the claims of humanity alike demanded that. Nobody could doubt that the contact of White men with a native population among whom slavery was the rule must result in the rapid diminution of that native population; and, moreover, it was not to be expected that a community possessing the greatest facilities for piracy, and being without law, would not prey upon commerce until some settled kind of government and order was introduced into it. Indeed, he thought if it was not primarily a question for us to step in and decide, it would ultimately, on account of its increasing magnitude, become a question which would have to be settled on account of all nations and civilization generally.

With regard to what it was the duty of England to do in that matter, if his advice was of any value, he should be inclined to recommend a protectorate over these Islands, although he knew that was a rather vague term. To the authority of the Earl of Kimberley against such a proposal he would oppose the equally great authority of Earl Grey. The hon. and gallant Admiral then quoted passages from Earl Grey's work on *Colonial Policy*, describing in 1853 the nature of British authority as exercised on the West Coast of Africa, where justice was administered by British magistrates, the Governor having at his disposal only two or three companies of a West India regiment. Earl Grey also showed the immense advantage resulting from the existence of British influence on the West Coast of Africa, and from our authorities there having a very small number of troops to enforce their decrees; and he concluded by pointing out that the consequence had been the establishment of a local Government which taxed itself to the amount of £40,000 a-year. He thought that putting small ships in the place of West India regiments, in the case of Africa, we might maintain a Government in Fiji and the other Islands with equally satisfactory results. At all events, it was necessary that something should be done, if only as a preparation for the future; and it was our duty, as paramount in these seas, to take upon ourselves the work of establishing something like a Government amongst the islands. In conclusion, he begged leave to second the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to establish a British Protectorate at Fiji."—(*Mr. M'Arthur.*)

Mr. EASTWICK said, he was glad that the hon. Member for Lambeth (Mr. M'Arthur) had brought that important subject under the notice of the House, for he (Mr. Eastwick) maintained that it was only a question of time, and that the protectorate of Fiji by this country was not only expedient, but necessary. There was a statement in Part 4 of the Consular Reports recently presented, to the effect that the number of British subjects who had settled in the Fiji Islands gave to them the character, though none of the advantages of a British colony. There were, according to that Report, 3,700 British subjects in these Islands, so that, if it were correct that in 1871 the number was 3,000, a rapid increase had taken place. And at the same time the cultivation of the Islands was extending. The Georgian Group and Leeward Islands contained only 450 French subjects, and not more than 970 Europeans; and the fact that those Islands had been brought under French rule formed a strong argument in favour of a protectorate in islands with 10 times the number of European settlers. Not only that, but the Fiji Islands were almost bordering on the Australian Colonies, and it was fairly asked that they should be a stepping-stone between them and the waste of waters between us. It had been mentioned that the United States had annexed the Navigator Group, and there might be some hon. Gentlemen who would wish that the United States would annex the Fijian Group also; but he could not himself sympathize with that view; and it must also be remembered that the United States had no intention to proceed further in that direction. Moreover, it more properly devolved on Great Britain, for an independent buccaneering Government had been established, which would attract all the desperate characters in Australia and the surrounding islands. It was already raising troops to coerce the peaceable settlers and overawe our Consul, and according to Sir James Martin, the Attorney General of New South Wales, it would interpose difficulties in the way of dealing with offences in the South Seas unless the Imperial Government, without delay, either expressly recognized it, or took possession of Fiji; for if that Government remained unrecognized, the seizure within its limits by British authority of persons charged with offences for the purpose of trying them in these colonies might lead to difficulties of a serious character. He hoped, therefore, the House would support the Motion of his hon. Friend, for the formation of a Government in Fiji was indispensably necessary; indeed, there was no other way to prevent the kidnapping now going on in the South Seas except a British protectorate, for the adoption of that step would enable us to establish an Admiralty Court, and to call upon the tribes to acknowledge the power and jurisdiction of the Queen, to renounce human sacrifices and other barbarous practices, and agree that murders, robberies, and other crimes should be tried by the Queen's officers. The objection could not be the expense, for it need cost us nothing. We had a Consul there already; and the necessity of keeping ships of war in the seas where these Islands were situated had been pressed on the Government by Lord Belmore, who, in a despatch of the 22nd of November, 1871, said—

> "I must press on the Government the necessity for the constant presence, while the season permits, of one, if not two, of Her Majesty's ships for some time to come among the South Sea Islands, cost what it may."

SIR CHARLES WINGFIELD said, he was sorry that the protectorate of these Islands had not been assumed 10 years ago, and he should certainly support the Motion, though he thought that absolute annexation would now be better. He did not quite understand the meaning of a protectorate, the French protectorate of Tahiti amounting to absolute government, and he agreed with the Earl of Kimberley, that a protectorate, if it meant something less than annexation, would not diminish our responsibility, while it might be a source of embarrassment. Something must certainly be done, for Lord Belmore had declared that anarchy prevailed in the South Seas, and it was clear that the Fiji Group was fast becoming the refuge of scoundrels and fugitives of all descriptions. The *soi disant* Government was not recognized by many of the White settlers, and, as mentioned by Sir James Martin, British subjects charged with acts of violence in the Fijis were amenable to the Courts of New South Wales, an Act of George IV. giving them jurisdiction over all the islands in the Pacific not subject to any European State. Our intervention was, therefore, likely to be invoked. In that case he saw no medium course between reorganizing the Government that had been set up by the Whites, and absolute annexation. To the first course there were, he need hardly say, insuperable objections, for all control over them being by that Act abandoned, it would lead to the extermination of the natives, and to the increase and permanence of slavery. The policy he recommended, therefore, was that of absolute annexation, and he said so with the full sense of the reasons that made the British Government unwilling to extend our colonial possessions. In this instance, however, it was a duty to humanity to do so, for the present scandals could never be effectually put down until we assumed the government of these Islands. It was intolerable that a great slave-holding Anglo-Saxon settlement should grow up in the South Seas. While he was glad to hear that the Government intended to strengthen our squadron in the Pacific, and to add some light-armed cruisers to it, he also hoped that the more decisive step recommended by this Motion would be supported by the House.

MR. R. TORRENS said, it appeared that considerations of expense had hitherto deterred the Government from taking possession of these Islands and establishing civilization in them; but he seriously doubted whether there would be any expense at all in doing so. The great colonies of Queensland and Victoria had cost the mother country nothing, and South Australia had caused no expenditure till some years after her foundation, when a grant of £200,000 had been made to meet a season of distress consequent upon the mismanagement of an autocratic Governor appointed by the Home Government. He cordially agreed with the last Speaker that annexation was the only course to be thought of, if any action at all were taken by the Government. The policy and mission of this country had hitherto been to enlighten the dark places of the earth; that policy had been recognized by Europe as an honourable distinction, and he trusted the Government when taking this matter into consideration, would be impressed with the feeling of pride with which the people of England regarded the results of that policy hitherto.

MR. SALT remarked that, in considering a question of this kind, we should regard ourselves as the head of an aggregate of great countries rather than as a single country. The particular matter under discussion was a question of detail combined with a grave question of policy. The question of detail as to whether the Fiji Islands were of more value to this country than to any other, and whether they would be of value to us in time of war, was a question which might safely be left to the Colonial Office. With regard to the cost of maintaining a few troops in the Islands for their protection, Her Majesty's Government would do well carefully to consider the importance of the work to be done compared with the smallness of the sum to be expended before coming to a decision upon it; and he must remark that the difficulty of governing these Islands could not be very great if they got the right men for the purpose. He hoped the policy of withdrawing troops from British colonies would not be pressed too far, and he said that, although he approved, on the whole, with some exceptions, the policy which had been pursued thus far in reference to that particular question. Turning to the question of Imperial policy involved in the Motion of the hon. Member for Lambeth, he hoped Her Majesty's Government would pronounce clearly their opinion as to whether England could, without danger of disaster, stop short in the civilizing course involved in the addition of new colonies to her Empire.

Mr. DIXON said, he believed the statements made with regard to the present condition of the Fiji Islands and their Government were very much exaggerated. He had been in communication with a gentleman who had recently arrived from the Fiji Group of Islands, who had given him a very different account. The facts appeared to be these — In Australia it was not easy to grow cotton and sugar for want of native labour; but in the Fiji Islands the case was different, and a number of enterprizing Australians having gone there in consequence, it was natural that they should seek the protection of the English Government. Their overtures were, however, declined; and, under these circumstances, they established a Government of their own. The form of Government adopted included two Houses of Parliament, and Thaukambau was recognized as the King. It was now proposed to the House of Commons to establish in the Fiji Islands that very protectorate which the Government formerly refused, and this proposition was met by another of a still more serious character—by a suggestion that we should at once annex the entire Group. What right had they to annex a territory with a population of 100,000 or 200,000 persons, without the consent of the inhabitants? If they had such a right, they would have an equal right to annex other islands of the Pacific Ocean, and we should be embarking in a course the end of which no one could foresee. He contended that the English Government should hold their hands, and wait to see whether the newly-formed Government could not repress kidnapping; and that they should take no action with reference either to protection or annexation until they were requested to do so by the inhabitants of the Fijis. He hoped they would not be led into incautious and hasty action by the violent language used that evening.

Sir JAMES ELPHINSTONE said, he would remind the hon. Member for Birmingham that it was the Fijians who had themselves supplicated the protection of England, which could only be afforded by an annexation of the Islands. We ought not only to extend the protection of the British flag to the White population, but also to incorporate in the Empire a sturdy race, and establish a community which would tend to augment the strength and influence of this country, for if we allowed the present state of things to continue much longer we should probably have to interfere in a manner which would be discreditable as well as expensive. The dregs of the population of Australia were swarming in every direction, and the authorities in India were already considering what was to be done with the "loafers," who flocked there in large numbers. The same immigration of worthless characters was going on even to a greater extent in the Fiji Islands, which in the course of a few years would become a receptacle for pirates. It was all very well for professors of political economy to say that we ought not to take charge of these Islands, but practical men who were acquainted with the real facts of the case took precisely the opposite view, and, as for himself, he was certain that the incorporation of these Islands with the Empire would be of the greatest advantage to us not only on account of their strategic position, but also on account of their productive capacity, and therefore he should support the Motion of his hon. Friend. He thought, however, that the Motion would receive a larger share of support from the House, if his hon. Friend would substitute for "protectorate" the words "British authority."

Mr. KNATCHBULL-HUGESSEN said, that although Fiji was not a British colony, yet the artillery of so many speakers in the present debate had been directed against the Colonial Office, that the House would not feel suprised at his rising to reply to the Motion of his hon. Friend the Member for Lambeth (Mr. M'Arthur). A fallacy ran through a great majority of the speeches which had been delivered. It seemed to be assumed that at the present instant, the inhabitants of the Fiji Islands were supplicating us either to assume authority, or, at all events, to establish a British protectorate over them. As far as his information went the inhabitants were doing nothing of the kind, and therefore, brushing that cobweb aside, he would proceed with the general question. Allusion had been made to other acquisitions of territory which Her Majesty's Government had sanctioned in South Africa, and on the West Coast of Africa, but there the circumstances were essentially distinct from the case of the Fiji Islands. With regard to South Africa, we had to deal with a large territory immediately bordering on our great colony of the Cape, and containing a population which comprised a considerable number of British subjects, and it was essential to the welfare of the Cape that order and good government should prevail in that colony. Again, in that case, there was a unanimous wish among the native population that we should annex the territory, because they feared that if it were not under British rule they would be absorbed by another neighbour. We had, besides, the interests of a large population of British diggers and of the Cape Colony to consider. What the Government said, therefore, was that if the great colony of the Cape, in the interests of civilization, of the British diggers, and of the native tribes, and of South Africa itself, thought fit to undertake the government of that country, Her Majesty's Government were not indisposed to think it would be a wise and conciliatory policy to consent to the annexation. With regard to the West Coast of Africa, we had a large sea-board, which was broken in upon by certain Dutch possessions, the result being a divided authority and a dual jurisdiction, which could not fail to be productive of complications and inconveniences, whilst the friendly cession to us by the Netherlands Government of their forts could not but tend to the peaceful and progressive development of our own original settlement, and conduce to the well-being of the native tribes. The case of the Fiji Islands was, however, entirely different. Thirteen years ago Mr. Pritchard, British Consul at Fiji, forwarded to Her Majesty's Government what purported to be an offer on the part of the King to cede to Great Britain the Sovereignty of the Islands. Now, he noticed that in the course of this evening's discussion the hon. Member for Lambeth spoke of the King of Fiji as being the supreme Ruler over all the Islands, whereas the hon. and gallant Admiral (Admiral Erskine) said there were many Chiefs who had authority in the different Islands. Her Majesty's Government would certainly have done wrong if they had annexed the Group without instituting an inquiry on this point, and they accordingly sent out a gentleman of high character, who reported that instead of there being one King, there were about 40 independent Chiefs who had power in the Islands, and whose authority would have to be disputed in the event of any foreign Power acting on the assumption of the King having the power to dispose of the territory. It was exceedingly doubtful whether these independent Chiefs really understood what was involved in the word "annexation;" and even if they had understood it, it was still more uncertain whether they would have concurred. There existed among the tribes many barbarous practices which it would have been impossible to tolerate in a British possession, but which could not be eradicated without great difficulty, and no inconsiderable labour and expense. Doubts were, moreover, thrown upon the cotton-producing powers of Fiji in Colonel Smyth's Report. It was pointed out, moreover, that all England wanted was a coaling station, and that that might be obtained without annexing 200 islands for the purpose. It was also pointed out that the direct route from Sydney to Panama lay many miles south of the Fiji Islands. Under those circumstances the Government of the day would have acted very rashly if they had accepted the offer which was made. Since that time nothing like a formal offer had, so far as he knew, been made on the part of those Islands that we should assume Sovereignty over them. His hon. Friend behind him (Sir Charles Wingfield) had spoken of the existing Government of Fiji; but on that point, he must confess he had heard with pleasure the speech of his hon. Friend the Member for Birmingham (Mr. Dixon), because it was the first in which anything like a fair view had, in his opinion, that evening been taken of the condition of that Government, to which he had heard with pain such terms as "filibustering" applied. It was no part of his duty to express any opinion upon the character or probable stability of the Fiji Government; but at all events it was a Government which professed to be endeavouring to establish law and order, to put down slavery, and to develop the resources of these Islands; and until that Government should have been proved by some act of its own to have forfeited our confidence, and to have committed offences against public morality, it was, he thought, a little hard that we, in the House of Commons, should take upon ourselves to judge of its conduct from the reports contained in newspapers and in private letters which were not always disinterested. It must also be borne in mind that the annexation of Fiji, though it might by some be looked upon as a simple matter, was not one which could be considered entirely by itself. The hon. and gallant Admiral behind him, than whom nobody was more conversant with the subject, had informed the House as to the enormous number of islands which there were in the Pacific, and had used these remarkable words, that the occupation of Fiji would entail the acquisition of an enormous number of small islands, and would be a step owing to which White settlers would gradually occupy all the Islands in the Pacific. If we were to annex one group of Islands, was it possible, he would ask, that we could stop there? He might also observe that the Fiji Islands were over 1,700 miles from Sydney, and 1,150 from New Zealand, and about 1,400 from Brisbane. When, therefore, they were spoken of as being contiguous to Australia, those who used such language must, he could not help thinking, be regarded as having rather an elastic imagination. There might be, no doubt, considerable advantages arising from the annexation of the Fiji Islands, but it was by no means desirable that we should hurry to a conclusion in the matter. He (Mr. Knatchbull-Hugessen) would sum up the case for and against annexation as clearly and concisely as he could. The first argument in favour of annexation was that there was a large and increasing number of British subjects resident in these Islands; that a considerable amount of British capital was embarked there; and that during the last two or three years they had made great progress. That, however, was hardly a good reason for interfering with the present state of things, for we must take care that in trying to make things better we did not make them worse. The second argument was with regard to the cotton-producing powers of the Islands, and he thought the statements which had been made in the Report of Colonel Smyth had been negatived by experience, for the evidence went to show that cotton of a very superior character could be grown in Fiji, and the supply might no doubt be materially increased. There was also the argument in favour of annexation, that it would be a great advantage to us to have an advanced post in the Pacific, and there was, besides, another point, of very considerable importance, that unless there was a strong Government in Fiji our exertions to put down the abuses of the labour-traffic would be very much paralyzed. On the other hand, we must bear in mind that there were cogent reasons against annexation. In the first place, we had no expressed wish on the part of the inhabitants of those Islands that we should annex them, or enter on a protectorate. Then there was the question of the expense, which might be variously estimated, and when speaking of philanthropy and the growth of cotton the British taxpayer must not be entirely ignored. We ought, therefore, to see our way very clearly before we entered on any course which would throw additional burdens on him unless there were some corresponding advantage. New Zealand had been mentioned in the discussion, but hon. Members should bear in mind that our original policy with respect to New Zealand had cost this country something not far short of £20,000,000, expended in wars with native tribes. There was a further argument against annexation, and that was that it would be rather hard after having declined the proffered Sovereignty in 1859 and actually encouraged the European community to try and govern themselves, we should now, when we saw the Fiji Islanders progressing, uninvited and unwelcomed, turn round and say—"We shall change our minds and annex you, because we think it would be to our advantage." These were the main reasons why he looked upon annexation as impossible at the present moment. A protectorate would, in his opinion, be very much worse. It involved all the responsibility, without the advantages of annexation. Indeed, he had never been able to find out exactly what a protectorate meant, but the idea of a protectorate, especially of an uninvited protectorate, was one which he could not help thinking it would be in the present case most unwise to entertain. It was, however, by Australian energy that the resources of the Fiji Islands were being developed, and if they could be governed through one of those Colonies, considerable advantages might be the result. That was the proposition which the Government had made in the last despatch presented to Parliament, in which the Earl of Kimberley said that—

> "If the Colony of New South Wales were willing to undertake the responsibility of providing for the government of the Islands, Her Majesty's Government would not refuse to entertain such a proposal, if it met with the concurrence of the Native Chiefs."

We should thus virtually extend British Sovereignty over Fiji, whilst it would be directly governed by and through that portion of Her Majesty's Dominion which was most immediately concerned with its commerce and settlements. It was far better, however, to wait and act with caution than to take any precipitate step. He had heard some general principles enunciated to-night about adding to our Colonial Empire. Well, if the House chose to lay down the rule that wherever there was a country inhabited by uncivilized and barbarous tribes, the possession of which by England would, in our opinion, be ultimately beneficial to the inhabitants of that country and to ourselves, then it was our duty to annex that country. Of course, if such a rule were established, it was wrong on the part of the Government in not annexing Fiji in 1859; but he was not prepared, either speaking for himself or on the part of the Government, to adopt such a Quixotic policy, and he would beg the House seriously to consider to what results such a rule would lead. He would not, however, endorse for a moment the policy founded on the other extreme. A policy founded on the other extreme was maintained by a party in the country. He did not refer to that party which was said to undervalue the advantages to England of her present colonies, and to desire the disintegration of the Empire. He sometimes heard of that party, but he never met them. If they existed, he believed their number was infinitesimally small, and they might be practically ignored. In fact, he was inclined to think that they only existed in the fertile brains of imaginative statesmen who, in order to create a new political programme for their own party, found it necessary to misrepresent the policy of their opponents. But he referred to those who, more or less admitting the value of existing colonies, stedfastly set their faces against the acquisition by England of any more territory under any pretext whatever. They were principally actuated, no doubt, by economical considerations; but in his opinion there were sometimes considerations of higher moment than those of economy. The conquest of a country against the will of its inhabitants; the acquisition of territory merely for our own aggrandisement and our own convenience—these were offences against public morality which could not be defended. But the acquisition of territory freely offered by the goodwill of its inhabitants, securing to them the advantages of order, good government, civilization, and Christianity, and at the same time opening up to us new markets for our trade, new fields of labour for our people—this was not an acquisition to be spurned or lightly estimated. The peculiar conditions of Great Britain should never be forgotten—the smallness of her area at home, her large and ever increasing population, the active, energetic, restless character of her people, all point to the wisdom of enlarging by every legitimate means the field of action before us. And he would venture to say that if English statesmen, forgetful of these conditions, ignoring the responsibility of England as a great nation, and thinking only of economy, should ever lay down as an axiom of policy that Great Britain should under no circumstances acquire additional territory, they would not only do an unwise and wrong thing, but they would sound the first note of their country's retrogression in the scale of nations. Every case, however, must be dealt with on its own particular merits, and it was not right to adhere to any hard and inflexible rule; and he was quite content that the conduct of the Government should be judged by the future result. And what were the Government now doing? With respect to the slave trade they had passed a measure which they hoped would put a stop to that traffic, and the Admiralty were about to strengthen the squadron in those seas where it was complained that the slave trade was carried on. With regard to the Fiji Government, which had been so much abused, he did not stand up to defend them; but it must be recollected that the gentleman who had been so much reflected on in the public press had recently left that Government, and that a person of the greatest respectability now occupied his place—namely, Mr. Thurston, who had recently been British Consul in Fiji. Moreover, the individual who had accepted the office of Chief Justice bore the highest character. While there was hope that good government might prevail in the Fiji Islands, it was not for this country to interpose by force, and accordingly instructions had been sent out to the English Representative there to recognize the actual Government as a *de facto* Government, but the extent of our recognition would depend on the ability of the Government in the Islands to maintain good order, and on the sincerity of their efforts to suppress the slave traffic. He did not see what other course Her Majesty's Government could take, and if hereafter the White population and the natives should desire the territory to be annexed, the British nation would never hesitate when the interests of civilization and Christianity were concerned to take whatever steps would best promote those ends. But it was better to be too cautious than too precipitate, and while progress was being made in the Fiji Islands, the British Government exercised a wise discretion in not forcing a protectorate on them. Whenever any information arrived in this country relative to the condition of the Islands he would take care that it should be laid before Parliament, and considering how much had already been done, he trusted that the hon. Member would withdraw his Motion.

VISCOUNT SANDON said, it seemed to him that the hon. Gentleman who had just spoken had to a very great extent conceded the point at issue. The hon. Gentleman had referred to the way in which the Government had acted in reference to the Cape and in reference to the West Coast of Africa, pointing out that the Government had been induced to pursue a policy of annexation in those cases, because it was necessary to have the frontiers of those colonies well protected, for commercial and other reasons, and to draw into their net those neighbours who were around them. But the argument applied to those distant colonies of the Empire applied still more strongly to the Empire itself, for it was a matter of Imperial interest that the great Empire of England should not suffer from not attending to the annexation of points necessary to strengthen her dominions all over the world. His hon. Friend went on to depreciate the importance of Polynesia. Was it possible to suppose that the islands of Polynesia would be allowed to remain independent principalities? If those islands were to fall to one of the great States of the world, were we not in duty bound to see that these important ports and centres of civilization and religious influence should not fall into the hands of other Powers than our own? We were bound, watching over the security and welfare of our great colonies, Australia and New Zealand, to take some action in the case of the Fiji Islands. The cost of maintaining colonial establishments there would be comparatively small. He agreed with his hon. Friend as to the question of protectorate. He thought his hon. Friend was almost committed to annexation. He evidently looked to future action in the matter, and certainly annexation was a hundred times safer. He deeply lamented that the legitimate offer made a few years ago had not been accepted. It was a shirking of responsibility which naturally fell upon us, and which if it had been then accepted would have saved us from very serious difficulties that might await us in the future. His hon. Friend said that the Government felt so well disposed in this matter that if Australia should think fit to do the work for us there would be no objection. That, again, was a shirking of responsibility. It was also a new doctrine, as to which he should like to have the opinion of the Law Officers of the Crown, whether a colony had power to attach responsility to the mother country for annexing any stray islands in the seas adjacent to it. The straightforward course would be to announce at once that if the people of these Islands were willing to submit themselves to our rule, we would be willing to accept them, with all the responsibilities that followed upon such a course; and by so doing we should secure not only the hearty concurrence of Australia, but the approbation of our own countrymen and the applause of the civilized world.

Mr. KINNAIRD said, he had listened to the speech of his noble Friend with great attention and warm sympathy. This was not a new question. Some 16 or 18 years ago he had accompanied a deputation to Lord Palmerston on the subject. They waited upon other Ministers; and they asked—"Where is Fiji? We never heard of it." But with Lord Palmerston it was very different. He knew that Fiji possessed some of the most remarkable harbours in the world, and unrolling a map told them the exact number of fathoms in depth, and stated that there was not a ship then afloat that could not sail into those harbours. Most cordially did he receive the deputation. His hon. Friend now said it was to Lord Palmerston's Government that the offer of annexation was made. The state of things then was very different from what it is now. And what did Lord Kimberley say in reply to Lord Belmore? He feebly answered—"The next point is one already under the consideration of the Foreign Office." "Consideration" was a great word with the Government. Lord Belmore had said—

> "The practical importance of the subject is my excuse for drawing your Lordships' attention to it—it is that of giving certain magisterial powers to the British Consul at Fiji over British subjects."

There were 2,000 British subjects, which formed an important population. They applied to us to annex the Islands, and the Government took on themselves the responsibility of refusing. He hoped the Government would not fall back on Lord Palmerston's opinion. They must rest on their own responsibility. [*Laughter.*] His hon. Friend laughed. [*Laughter.*] Surely, this was one of the wisest of Governments, for when they got into trouble they laughed. The Motion, however, threw on the Government the responsibility of resisting the appeal for annexation, and if they refused, some other country would take the step. It was a question between a bold and a cowardly policy. If we accepted the offer of these Islands we might save an enormous amount of crime, the responsibility for which, if we refused the offer, would to that extent rest on our shoulders. These offers did not come often. If his hon. Friend went to a division he should support him. When the expense of New Zealand and of Australia was spoken of, his answer was that the Governments of Australia were repaying us all expense incurred, and would repay us 100 per cent for the money that England laid out. Our colonies were an accession of strength to the mother country, and woe be to those who refused to accept the offer now made to England. It was all very well for Members of the Government to make pretty speeches about our colonies, but we wanted something else—we wanted action.

Mr. M'ARTHUR said, he found that the general feeling of the House was that his Motion did not go far enough, but that the Government ought to annex the Fiji Islands. He would, therefore, alter the terms of his Motion, which would be to ask Her Majesty to establish a British protectorate at Fiji, or to annex the Islands, as the Government might think desirable. It had been said that no such wish had been expressed and no such offer made; but he believed that the White population would be delighted with the annexation of the Islands, and the rest of the inhabitants had again and again expressed themselves favourable to the proposition that they should be annexed to the British Crown. A few years ago the population of Fiji was 200,000; now it was reduced to 120,000, and it was daily decreasing. England's true policy was, therefore, not to be too late. Delay was against England. Our true policy was to place ourselves in communication with the Islands; and if this were done, he believed that the Islands would receive with acclamation the announcement that they were to be annexed to the British Crown. Let law and authority be once established there, and emigration to the Islands would set in to an extent that at present was almost beyond contemplation.

Mr. GLADSTONE said, he had heard with surprise and disappointment that it was the intention of the hon. Member for Lambeth (Mr. M'Arthur) to carry to a division not the Motion of which he had given Notice, but that Motion with an essential alteration. From a number of hon. Members the hon. Member had received considerable support so far as the general purpose of taking some step was concerned; but every hon. Member who gave such support emphatically condemned the plan of establishing a protectorate, and recommended annexation. The hon. Member, however, now invited the House to pass a Resolution, leaving it in the discretion of the Government to adopt a measure which his Friends condemned, or one which they approved; to both of which alike, under existing circumstances, the Government, which alone was responsible, was opposed. Was it possible that Parliament could place itself in such a position? The Government ought not to have referred to them the option between a protectorate and annexation. It would be surely absurd for hon. Gentlemen who had denounced a protectorate to place the Government in the position of selecting between that and annexation, with no indication to guide them. What was a protectorate? It might be anything or nothing; it was the most shadowy of all relations; it might involve almost all the responsibilities of government. Those who undertook to mark out a policy and enforce it on Government surely ought to indicate what in its essential features that policy was to be, and not to mix together in the terms of the Motion, without distinction, things which they declared to be entirely different. The Government was not prepared to accept the responsibility of either the one or the other, and that not because it professed a policy of indifferentism, or had registered a vow in Heaven that nothing should induce it to add to the territory or the territorial responsibilities of this country. Unquestionably, he had viewed with surprise how hon. Gentlemen, when the Government were overwhelmed and totally inadequate to undertake their own responsibilities—when from year to year the Government were groaning over

the mass of work left undone—["Oh, oh!"]——he thought that was one of the truisms of the day, and he did not envy them their position who were disposed to dispute it. It was admitted that there might be cases in which it might be wise even to make additions to the territorial responsibilities of this country; but as his hon. Friend said—and justly said—without any reference to abstract principles, the question ought to be considered on its own merits, and with reference to its own individual character. The hon. Member entreated them in the name of humanity and philanthropy to interfere, because the native population was diminishing; but would he guarantee that the annexation of the Islands would stop the diminution of the native population? Probably, the hon. Member knew that while 30 or 35 years ago there were 120,000 people in New Zealand, the population had now dwindled down to about 40,000, and, therefore, he must decline to accept the guarantee of the hon. Member that annexation would stop the decay of the population in the Fiji Islands. His hon. Friend the Member for Perth had referred to the historical aspect of the case and stated that Lord Palmerston expressed readiness to annex the Fiji Islands; but, so far from that being the case, he ventured to state that the Duke of Newcastle, who was Colonial Secretary at the time, was the only Member of Lord Palmerston's Cabinet who was favourable to annexation. It was true the circumstances of the present day were different; but the difference mainly consisted in the fact that at the present day there was no request on the part of the people of the Fiji Islands for annexation. His hon. Friend further said that the inhabitants of the Fiji Islands longed for this country to annex them; but was he the ambassador and plenipotentiary to represent and act for these islanders? If he was, let him do what other plenipotentiaries were bound to do, exhibit his credentials. Again, at the present day, the people were thrown upon their own resources, Europeans had settled in the Islands, and a Government had been formed, which was endeavouring to organize itself in a sense favourable to civilization. The statements made by his Friend the hon. Member for Lambeth (Mr. M'Arthur) in support of his Motion all went to prove the disposition of the people to rely upon their own resources, and therefore he asked whether, in the name of prudence and policy, any sufficient reason had been shown why the British Government should at the present time undertake the task of making a provision for the civil welfare of the people of the Fiji Islands which they were endeavouring to make for themselves? So far as it was possible to lay down an abstract and general rule with regard to annexation, he was prepared to say that Her Majesty's Government would not annex any territory, great or small, without the well-understood and expressed wish of the people to be annexed, freely and generously expressed, and authenticated by the best means the case would afford. Let them guide their conduct in that respect by the light of experience. In New Zealand a treaty was entered into by and with the consent of the native authorities with this country; but when it came to be acted upon, it was ascertained that the New Zealanders put a different interpretation themselves upon the meaning of that treaty, and which had led to a series of bloody wars that were not honourable to the history of this country, and which had cost between £11,000,000 and £12,000,000. This, however, was the case of 200 islands, inhabited by about 150,000 or 160,000 persons; and of those 200 islands about 60 were uninhabited; and those that were inhabited were not under the rule of one chief; but 12 principal tribes, with many sub-divisions, with relations from the heads of the tribes to the kings of a most uncertain character. Under these circumstances he appealed to the House and the supporters of the Motion not to attempt to force on Her Majesty's Government the duty of forcing the Fiji Islanders to annex themselves to this country, for there really was no evidence that they desired it. If the House wanted to force Her Majesty's Government, they ought not to force the people of these Islands, who were endeavouring to organize a Government amongst themselves, and which this country, by means of friendly negotiations, were encouraging; but if Her Majesty's Government was to be forced into doing anything, let it be to ascertain the real feeling of the islanders, and not to force on the islanders that which they had shown no desire should take place. This was the only form in which he, on behalf of Her Majesty's Government, could accept any responsibility with reference to the question.

MR. SPEAKER asked the hon. Member for Lambeth if he withdrew his Motion?

MR. M'ARTHUR, in reply, said, he was going to move his amended Motion.

MR. SPEAKER said, the hon. Member could not move an Amendment to his own Motion.

MR. COLLINS said, the hon. Member might withdraw his original Motion by the leave of the House, and then move it in an amended form.

SIR HARRY VERNEY observed that after the statement of the Under Secretary of State it would be impossible for the Government to refuse the annexation of those Islands, if they obtained from them a responsible expression of a desire for such annexation.

MR. M'ARTHUR said, that as the general feeling of the House appeared to be in favour of leaving the Government the option of either establishing a protectorate over the Fiji Islands, or of annexing them, he wished to alter his Motion accordingly. He presumed, therefore, that the better plan would be for him to withdraw his original Motion and substitute another to that effect.

MR. ASSHETON CROSS asked, as a point of Order, whether it was competent for the hon. Member, if he withdrew his Motion, to move his amended Motion that night, or on another opportunity?

MR. SPEAKER said, it would depend on the pleasure of the House, if the Motion was withdrawn, whether another Motion should be put at once or not.

Motion, by leave, *withdrawn.*

MR. M'ARTHUR moved—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the propriety of establishing a Protectorate at Fiji, or of annexing those Islands, provided that this may be effected with the consent of the inhabitants."

MR. SPENCER WALPOLE said, he rose to Order. If the Motion was to be put, the whole of the Rules of the House would at once be put an end to. That subject had been argued with great interest and ability on the question of a protectorate; and it was not until the hon. Mover replied that he intimated that, in consequence of the debate, he was about to amend his Motion by including in it the alternative of annexation. On the putting of that question the First Minister of the Crown argued the whole matter; and, no doubt, according to the practice of the House, the hon. Member would have been perfectly in order if, with the consent of the House, he had withdrawn the former Motion and then proposed the words on which the question was argued by the Prime Minister. But now to alter the terms of the Motion again, which terms had not been argued either by the House or by the Prime Minister, appeared to him to be such a deviation from the whole established order and mode of proceeding that he put it to the Speaker, with great submission, whether that Question could now be put from the Chair. He thought the Motion ought not to be so altered now, because they would be dividing on a totally different question from that which had been under discussion.

Mr. COLLINS also asked whether the hon. Member having now brought forward a practically new question after half-past 12, was not shut out by the spirit, if not by the letter, of a Resolution of the House?

Mr. SPEAKER said, there was no doubt that the Motion now before the House differed materially from that originally proposed by the hon. Member for Lambeth. Of course, it was in the power of the House, if it pleased, to entertain that Motion; but he was bound to say that it seemed to him, having regard to the practice of the House, that the present Motion, differing as it did so materially from the original, should not be entertained without Notice.

Mr. KINNAIRD: Take the original Motion.

Mr. M'ARTHUR said, that having had a discussion on the subject which he trusted would be followed by some good result, he would under the circumstances withdraw the Motion. ["No, no!"]

Whereupon Question put,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the propriety of establishing a Protectorate at Fiji, or of annexing those Islands, provided that this may be effected with the consent of the inhabitants." — (*Mr. M'Arthur.*)

The House *divided*:—Ayes 84; Noes 135: Majority 51.

Mr. Spencer Walpole

OXFORD UNIVERSITY (COLLEGES).

RESOLUTION.

Mr. AUBERON HERBERT, amid considerable interruption, rose to call attention to the power possessed by Colleges of the University of Oxford to alter their own statutes, and to move a Resolution on the subject.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable that all applications on the part of Colleges of the University of Oxford to alter their Statutes should be laid before Parliament within fourteen days after the same have been received by the Privy Council, if Parliament be then sitting."—(*Mr. Auberon Herbert.*)

Mr. GATHORNE HARDY expressed a hope that the hon. Member would not press his Motion, on the ground that the object he desired to attain could only be arrived at by legislation. The Motion might be brought forward at a more convenient season, when it could be discussed with advantage.

Mr. GLADSTONE supported the appeal of the right hon. Gentleman, on account of the lateness of the hour.

Mr. AUBERON HERBERT, under the circumstances, consented to withdraw his Motion.

Motion, by leave, *withdrawn.*

BURIALS BILL—[Bill 1.]

(*Mr. Osborne Morgan, Lord Edmond Fitzmaurice, Mr. Hadfield, Mr. McArthur.*)

COMMITTEE.

Order for Committee read.

Mr. OSBORNE MORGAN moved to adjourn the Committee to Tuesday, July 9.

Motion made, and Question proposed, "That this House will, upon Tuesday the 9th day of July next, again resolve itself into the said Committee."—(*Mr. Osborne Morgan.*)

Sir MICHAEL HICKS-BEACH said, that believing it was hopeless to expect that the Bill could be proceeded with in the present Session, and considering that the Notice Paper should not be encumbered with measures that were virtually defunct, he should move that the Committee be resumed on Tuesday, September 3.

Amendment proposed, to leave out the words "9th day of July," in order to insert the words "3rd day of September,"—(*Sir Michael Hicks-Beach,*)—instead thereof.

Mr. OSBORNE MORGAN, remarking that if he did not succeed in making progress on the 9th of July he should withdraw the Bill, protested against this most unusual attempt to get rid of the measure by a side-wind. It would not, however, be killed in that way, for though it might not pass that Session, it would be introduced again and again, until it succeeded.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 78; Noes 130: Majority 52.

Words *inserted.*

Main Question, as amended, proposed, "That this House will, upon Tuesday the 3rd day of September next, again resolve itself into the said Committee."

Mr. CANDLISH expressed his belief that the feeling of the majority then present was different from the feeling of the majority of the House. As he believed that the appearance of the benches opposite was the result of a sharp and decisive whip which had taken the House by surprise, he would move that the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned," —(*Mr. Candlish.*)

Sir MICHAEL HICKS-BEACH said, the course taken that evening had been forced upon hon. Gentlemen on his side of the House in consequence of the refusal on the part of the hon. and learned Member for Denbighshire to proceed with the Committee that evening.

Mr. OSBORNE MORGAN said, he had only desired to save hon. Gentlemen from the labour of considering a Bill in Committee at that hour of the morning (half-past 1). He must again protest against the shabby way in which the Bill had been treated by the hon. Baronet opposite.

Sir MICHAEL HICKS-BEACH rose to Order. He did not much care for what the hon. and learned Gentleman said, because he could make allowances for his feelings under the defeat he had just experienced; but he wished to know if the word shabby was a proper word to use in reference to his (Sir Michael Hicks-Beach's) conduct.

Mr. SPEAKER said, he thought it was too strong an expression for one hon. Gentleman to apply to the conduct of another.

Mr. BRUCE appealed to the hon. Member for Sunderland (Mr. Candlish) not to put the House to the trouble of dividing. He could not regard the majority opposite as a fortuitous concourse of atoms. It was evidently the result of a very well-arranged plan; but, under the circumstances, he should advise his hon. and learned Friend to submit to stern necessity, and to bring the Bill forward again next Session.

Mr. CANDLISH, in withdrawing the Motion, said, that as it was quite impossible for a private Member to carry a Bill like this, he hoped the Government would undertake to re-introduce the measure themselves next Session.

Motion, by leave, *withdrawn.*

Main Question, as amended, put, and *agreed to.*

Resolved, That this House will, upon Tuesday the 3rd day of September next, again resolve itself into the said Committee.

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, 26th June, 1872.

MINUTES.]—Public Bills—*Second Reading*—Occasional Sermons [61], *put off;* Sale of Liquors on Sunday (Ireland) [68], *further proceeding adjourned;* Monastic and Conventual Institutions Commission [129], *debate adjourned.*

Committee—Report—Masters and Workmen (Arbitration)* [123-213].

Report—Thames Embankment (Land)* [82-214].

Considered as amended—Drainage and Improvement of Lands (Ireland) Acts Amendment* [202].

Third Reading—Life Assurance Companies Acts Amendment* [115], and *passed.*

Withdrawn—Real Estate (Titles) [50]; Albert and European Life Assurance Companies (Inquiry)* [8].

REAL ESTATES (TITLES) BILL—[Bill 50.]

(*Mr. Gregory, Mr. Pemberton, Sir Henry Selwin-Ibbetson.*)

SECOND READING.

Order for Second Reading read.

Mr. GREGORY, in rising to move that the Bill be now read a second time, said, he considered that it was the duty of the Government to introduce a measure of the kind now under notice, but as they had delayed to take action, the matter was left in the hands of private Members to deal with. The present Bill was founded on two principles—namely, that the present transfer of landed property was too cumbrous, and that it might be readily simplified. The question had been referred to a Royal Commission, and according to their Report in 1857, the cost of transfer amounted to 2½ per cent on the purchase money for large properties, and 10 per cent for small properties. It was therefore evident that the great pressure upon small properties rendered the question an important one, and that the present law seriously hampered the transfer of land from one owner to another. As a matter of practice, the course was as follows:—When a property was sold, the solicitor who represented the party selling had to make an abstract of title. For this purpose, he must collect all the deeds and documents bearing on the title of the property for a period of 60 years, and examine them minutely, and finally make the abstract required by law. That was often a laborious operation. The duty of the solicitor on the other side was to examine the abstract so prepared, and confirm in every minute particular the accuracy of the document. This was a responsible duty, since he would he held liable for the consequences, if any defect afterwards arose from his want of care in the matter. Not only were these proceedings costly and tedious, and in the event of a mortgage or a re-sale of part of the property, the process had all to be done over again, a procedure which was certainly somewhat a scandal to the law. To remedy this the Commission of 1857 recommended a registration, making the deeds then registered the root of the title, and leaving the previous title still open to investigation; but the effect of this was that until the lapse of from 40 to 60 years the certificate would not give an indefeasible title, and, consequently, no present or immediate relief could be acquired under such a system. This being so, in 1859 Lord Cairns introduced two Bills, which, unfortunately, for political reasons, went no further than a second reading in this House, providing for declarations and registry of titles, not indefeasible ones, but such as were usually accepted, and with qualifications which time or events might supersede. In 1862, two Acts were passed; Lord Westbury's, establishing a registry; and Lord Cranworth's, enabling the Court of Chancery to grant declarations of title to applicants. Both had the fatal defect of requiring an indefeasible title, a thing hardly known in practice; for, practically, land was never sold except under special contract or conditions of sale, which stipulated that minute defects, which did not invalidate the title, but could not be cleared away without great delay and expense, should be waived, or should be cleared away at the purchaser's expense, the result being that they were readily waived. Lord Cranworth's Act moreover, provided that unless a title was made out such as the Court would oblige an unwilling purchaser to accept, the petition for a declaration of title should, subject to appeal, be dismissed, the petitioner in that event exposing a blot on the title to anyone who might search the record. The measure had naturally, therefore, been a dead letter. Under Lord Westbury's Act a highly competent registrar and deputy-registrar had been appointed, as also examiners of title, though he could see no necessity for the latter. It provided for the issue of notices and for an appeal, provisions which he had inserted in his own Bill, and it also required notices to every occupier adjoining the property, and to every person to whom the occupier paid rent. The effect of this was most disastrous. In one case, 135 notices had to be served, and the party served was almost bound to raise dormant questions of boundary, as if he did not, they were for ever barred by the certificate of registration. This obviously tended to evoke petty disputes as to a fence or ditch which would otherwise have never been heard of. In practice this was unknown, as a purchaser always accepted old maps, plans, or descriptions, or the declarations of old persons to whom the property was known as sufficient evidence of its boundaries and identity, and never required or could obtain any greater guarantee of it. He now came to the principle of the measure he had to submit to the House, and in doing so would premise that the interests of all parties would be promoted by any measure which would enable owners of land to transfer it in a ready and comparatively cheap mode; and that although no alteration could be made in the present mode of land transfer without touching the emoluments of his branch of the profession, yet they felt, on the whole, that their interests were mixed up with those of their clients, and that probably the greater frequency of the transfer of small properties would prove as remunerative to them as the present tedious process of investigating title. The principle of his Bill was to enable the Court already existing for the registration of titles to certify such a title as was usually passed from hand to hand in the ordinary transactions of mankind, say—30 or 40 years' title—and to dispense with that mass of notices with reference to the definition of boundaries which had been so fatal to the Act which this Bill sought to amend. He proposed that all parties who were entitled to a registration of title under that Act should be able to apply to the registration office for a declaration of title, and that such application should be proceeded with in all respects subject to the same or similar directions as were contained in that Act with regard to the registration of title. He proposed that the title should be examined by the registrar and assistant-registrar, and that if they were of opinion that a good title was deduced they might accept the title for the purposes of this Bill. He proposed that upon the expiration of the time, and in the events at and upon which the registrar would under the existing Act have completed the registration if the application had been for a registration of title, the registrars should make a declaration establishing the title to the land as finally approved by them, and should state therein the reservations, qualifications, and encumbrances, if any, affecting the land or the title thereto. That declaration of title would be final and conclusive to the extent to which it went—that was to say, subject to all the qualifications reserved by it, and would be binding upon the parties dealing with the land. The Bill provided that the registrars might, in any case where they might think fit to do so, waive the service of a copy of the notice of their intention to make a declaration of title on any particular person or class of persons, and might, at the request of the applicant in any declaration of title, leave the precise boundaries of the land, or any part thereof, undefined, and in that case the provisions of the existing Act, so far as they related to any question of disputed boundary, would not apply. He believed, if the provisions of the Bill were carried out, and a greater freedom were allowed in dealing with such cases, purchasers would gladly avail themselves of it, and that no more disputes would arise respecting boundaries than arose at the present time. Having given an outline of the first portion of his Bill he now came to the second part of it. Some years ago a very valuable Act was passed, called "The Act to facilitate Leases and Sales of Settled Estates." It enabled the Court of Chancery, on the application of persons with a limited estate, to give power for the sale of such estate, or for granting long leases. But that Act required a notice of such application to be given to all the parties interested in the property, down to the first estate of inheritance. It might be that several tenancies for life might be interposed before this whose interest in the property was practically nothing; but all these parties were required to concur in the application. It would readily be seen that one of those parties might refuse to consent to the application unless applicant gave him a sum of money, and without such consent the estate could not be sold, however beneficial a sale might be. This Bill provided that in certain events the Court of Chancery should have the power of directing a sale, if it thought fit, without the consent of these parties. The Bill also contained a provision with respect to encumbered estates. Some estates were so burdened with various charges and mortgages that the tenants-for-life received little or no income from them. These estates consequently went to ruin and became scandals to landed proprietors generally; and in such a case he thought it would be an advantage to all if a portion of them were sold in order to relieve the remainder. The first mortgagee might apply for power to sell an estate, but he did not choose to do so because there was always sufficient to pay him, and he would say—"I will give no facilities for a sale." The second mortgagee might file a Bill to have the estate realized, but what had he to do first? He had to tender the money due to the first mortgagee, or to bring it into Court, and he must do that without seeing the title of the first mortgagee. The amount due to the first mortgagee might be £20,000 or £50,000, and in such a case as that it was a large sum to risk upon an insecure foundation. The Bill, however, provided a remedy, for it said that a mortgagee or other encumbrancer under those circumstances should have the power of applying under the Settled Estates Act to have all or any part of the estate sold for the purpose of discharging the encumbrance thereon, and that the Court of Chancery might make an order, upon such application, without the consent of such persons as were required to consent to any application for the exercise of the powers of that Act. By that plan portions of a heavily encumbered estate might go into the hands of persons who were willing and able to improve them. His Bill did not interfere with any scheme which the Government—if they had a scheme—might introduce hereafter. It was a simple and feasible scheme, and he hoped the House would adopt it.

Mr. KENNAWAY, in seconding the Motion for the second reading, said, he thought the hon. Gentleman had shown that too much was attempted by Lord Westbury's Act. Parties applying for registration under that Act were required to make out points which the most exacting purchaser would not ask to be made out. The proper course then would be to make the existing machinery more useful, and he thought the time had fully come to adopt such a course. The country did not want indefeasible titles. It should be enough to entitle a landowner to registration of his title that he could make out a good selling title. A very serious attack had been made upon the power of settlement, and many hon. Members were anxious to sweep it away altogether. That he was not prepared to do; but it was the duty of that House to inquire and see how the evils complained of could be met without going the length of abolishing settlement altogether. On the whole, the law had not worked any great detriment to the country; but there was no doubt there were cases which gave a handle to the attack that was made on the law of settlement. The Act of 1856 was a step in the right direction, and had proved beneficial where it had been taken advantage of. Since the passing of that Act it had been felt that every facility should be given for increasing the productions of the land, and of properly housing the people. Landed proprietors felt they must have power of dealing with their land, and a Bill of this moderate character should receive general approval. He particularly approved of the provisions of the Bill, which would enable the second mortgagees in encumbered estates to put their powers into operation after giving due notice to all parties interested, and showing to the Court that the estate would not be injured, and hoped that if the Government were not able to take charge of the whole Bill they would adopt that portion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gregory.*)

Mr. STAPLETON opposed the Bill. While admitting that anything which would simplify the transfer of land would be an advantage to the community generally, he was afraid that the establishment of a Court of registration of title would not meet the difficulty, because those who had an undeniably good title would not incur the expense of registering, or run the risk of creating flaws by some technical omission or mistake in the operation of registration, while those who had property, the title of which was doubtful, would shrink from applying to the Court for a declaration, however desirous they might be to obtain it. He thought all that could be done in that way was the extension to the whole kingdom of the registration of deeds, which had already worked so successfully in Yorkshire, as well as in Scotland and Ireland. There was, however, one class who would profit by the change—namely, "land jobbers"—men who having bought were willing to sell on the turn of the market; but he was not inclined to give them any encouragement. He thought it was not for the advantage of those who lived on the land that it should be constantly changing hands. It appeared to him that the provisions contained in the latter part of the Bill, though he approved of their object, were not judiciously conceived. He objected to the power given to an incumbrancer to cause the sale of a settled estate. An incumbrancer could have no right beyond those which he had stipulated for in the deed creating his incumbrance. On the other hand, he would go further than the hon. Member in aiding the tenant-for-life to get rid of incumbrances affecting the inheritance. In his opinion, they should follow as nearly as possible the precedent furnished by the statute referred to in that clause in which it dealt with agricultural leases. A tenant-for-life was enabled to grant a lease for 21 years, not only without the consent, but without even giving notice to any of those who came after him in the settlement. Neither did he require the authorization of any Court or public authority whatever. In the case of the sale of settled estates, in order to pay off a mortgage, it was impossible to dispense with some public authority. There must be some one to see that the mortgage existed; that no more of the estate was sold than was reasonably sufficient to secure enough to pay off the mortgage, and to determine —as it would be impossible to keep to the precise limit—what reasonable margin should be allowed to secure that the mortgage was paid off, and that the residue of the purchase money was invested so as to follow the same uses as the remainder of the estate. For these purposes, either the Court of Chancery or the Tithe Commissioners must be resorted to. But he (Mr. Stapleton) did not see the use of giving notice to the persons who came after the tenant-for-life in the settlement in ordinary cases. It was inviting their opposition. Opposition meant expense; but, if the thing was to be done at all, it must be done cheaply, as there was no such saving possible as would warrant a large expense. If the public authority involved thought the proposed sale unwise, then it might refuse to proceed until such notice had been given. But, unless that was the case, the discretion of the tenant-for-life should not be overruled by those who came after him. It might happen that the successor's interests were opposed to those of the tenant-for-life. He might be possessed of other property, and might treat lightly the embarrassments which weighed heavily on the tenant-for-life. He might say that he was unwilling to have the extent of territory diminished; and might refuse to assist the tenant-for-life out of his embarrassments, although they were such as to prevent his discharging his duty to the land. In such a case, it was the actual possessor whose views and interests ought to prevail. They would coincide with the public interest.

MR. HINDE PALMER said, he should not have any very great objection to the Bill if it was likely to become a workable measure. The Bill professed to effect, though in a very small way, a portion of law reform which it was desirable to accomplish; but if it were passed, it would be found not more workable in reality than the present Land Registry Act, which the Bill had been introduced to improve. One of the great objects desired was to facilitate the transfer of land; but the Bill was but a small step in that direction, because it was mainly confined to the registration of title; and he was afraid that if the question were introduced piecemeal it would be a hindrance to the passing of a great and comprehensive measure by the Government, who had only been deterred from proceeding with law reform by the pressure of other business. The mere registration of a title, with all its encumbrances and reservations, would rather weaken than strengthen the title, by making its defects—now known only to the owner and his solicitor—known to all the world, and be declared on the face of the title. And there was this difficultyt, hat before registration the holder must prove a good title before the registrar, which really was an indefeasible one, and such an one as the Court of Chancery would compel a purchaser to accept. If the Bill were to go beyond the second reading, it would require a great deal of careful revision before it could be brought into successful operation. His hon. Friend went too far, because by two clauses at the fag-end of the measure he contemplated the establishment of an Encumbered Estates Court in this country. The Bill was not only impracticable, but it was dangerous to some extent, because it was so crudely drawn with reference to the rights of third parties. The law of real property and of settlements required alteration in many respects, and he thought it would be wise to pause for one or two years before dealing with this important subject in such a patchwork, piecemeal manner, and then, when the pressure of Parliamentary business was less severe, to pass a comprehensive scheme, which should improve the real property laws and facilitate the alienation and transfer of lands. For those reasons he should vote against the second reading.

Mr. DICKINSON said, that though feeling it somewhat ungracious to oppose a Bill for the amendment of the law, which to some extent he admitted to be an amendment, he would divide against the second reading should a division be taken upon it. He denied that he had ever heard it advocated on that (the Ministerial) side of the House that settlements should be abolished. The objection entertained by himself and his hon. Friends was to the law of entail. He urged that the Bill should not be proceeded with, but that the House might be allowed to look forward to an amendment of the law, by which all existing defects would be got rid of, and which the Government had shown it was by no means averse to introduce. With regard to the question of settlement, he saw no difficulty in continuing it within proper limits; but he held that the present limits were too wide.

Mr. WREN-HOSKYNS said, he was afraid that what was called "facilitating the transfer of land" was rather a tinkering of the present law—trying to make the road smooth while the evil itself was not removed. What he wanted was, not "to facilitate the transfer of land," but to make the land itself transferable. It was to the great bulk of the buying and selling community that the difficulty in the matter occurred. There were no means of dealing with small quantities. In a case with which he had to do, the purchase-money of a small cottage was £90, and the charges of his solicitor for looking into this little transtion was within a few shillings of £20. He had known other cases in which the costs were so utterly disproportioned to the value of the purchase as to convince him that it was impossible that large classes who otherwise would be buyers and sellers could deal with land at all. Here were our agricultural labourers in a state more or less of advanced strike because their wages were so low that they could scarcely keep body and soul together, and they had not a sufficient *locus standi* or connection with the soil to make them care where they were located. Was it fair because a man was poor that he should be absolutely denuded of all connection with the land? If a man had £50, why should he not be able to invest it in the land? He regretted that the views of the legal profession were not so wide as to induce them to facilitate transactions in the transfer of land; but in foreign countries, where it was everywhere necessary to have recourse to a notary, the number of the transactions made up for their want of magnitude. He was sorry he could not congratulate his hon. Friend upon his success in this attempt, because he was sure the Bill would be inoperative; nor would it enable the measure, which it was intended to supplement, to be of any use to the public. Finally, in the interests of those he represented, much as he thanked his hon. Friend for his exertions in the matter, he felt constrained to oppose the Bill.

Mr. COLLINS said, it was not very likely that strikes among agricultural labourers would be cured by passing a Bill to facilitate the transfer of land; and they might dismiss from their minds all idea of a peasant proprietary in this country, or that poor farmers would take to investing their money in land. As long as land paid only a beggarly 2 or 2½ per cent, and as long as it sold for 35 or 40 years' purchase, the hon. Member who had just spoken would not find farmers to invest their capital in that way. Land in this country was a luxury, and would become more and more so. A man did not buy land to make profit out of it, but because he liked to have visible signs of wealth around him, and to transmit it to those who were to come after him. Those were motives which acted very much on Englishmen, and unless they adopted the French system the tendency in England would be that the land would get more and more into few hands. They heard a great deal about land laws, as if the laws with regard to the settlement of land were wholly different from those with regard to the settlement of money. But the only difference was, that in the case of land, they could execute an entail deed, which, if there was no disentailing deed, would run on for ever. The question of settlement was a very wide one, for it went to the root of their whole social system. Anyone acquainted with lawyers' chambers knew that there were more settlements which dealt with money than with land, and if they dealt with the settlement of land, they must deal in a similar way with the settlement of money. There could never be a free transfer of land consistently with the different interests involved, unless the whole land of this kingdom were to be registered; and, what was more, there must be one or two persons on the register who should be able, rightly or wrongly, to give an indefeasible title. That was the system now prevailing with regard to personalty; the law only recognized for the purposes of transfer stock the person whose name was on the register. If they wished to alter the land laws, it was not by altering the power of entail, of settlement, or of bequest, but by enacting that the holder of the legal estate should be able to give a good title, making him civilly or criminally responsible if he defrauded those who had any beneficial interest. It was a wide question; but if a change were really wanted, a much more sweeping change was necessary than was now proposed; and at the present period of the Session it would not be wise for the House to assent even to the second reading of this Bill out of good nature or courtesy towards the hon. Member who introduced it.

THE SOLICITOR GENERAL observed, that although a good deal had been heard about the transfer of land very little had been said about this little Bill. It dealt with a very small technical point or points, and was objectionable on that ground; but if it were likely to be a good useful Bill, he should not put forward such an objection. He had several reasons for objecting to the measure, and agreed with the hon. Members for Hereford (Mr. Wren-Hoskyns) and Boston (Mr. Collins) that the transfer of land was for too important a matter to be dealt in this piecemeal manner. It would be a mistake to read the Bill a second time merely from good nature and because a Gentleman had taken considerable pains to improve the state of the law, when there was no chance of the measure becoming law during the present Session. The hon. Member for Sussex said one of his great objects was to enable a landowner whose title was not marketable, but who had what in law was called a good holding title—that is, a title not likely to be disturbed—to obtain such a registry of title as would enable him to sell the estate. Now, on looking at the provisions of the Bill, he could find no provision of the kind. If that were the main object of the Bill, it was not so expressed. The Bill proposed that the title should be examined by the registrar and assistant registrar, and registered by them if they were of opinion that a "good" title had been made out. Now, the word "good" had acquired a precise and technical meaning in this connection. It meant, in fact, a marketable title, meaning thereby a title which could be forced upon an unwilling purchaser. If, therefore, the Bill became law, it would not enable the registrar to convert what he supposed to be a good holding title into a marketable title. Even if the clause were altered, and if for the technical words "good title" the words "good holding title" were substituted, the effect of the Bill would be mischievous, for if there was one thing more difficult than another in law, it was to decide when a title not strictly marketable was a good holding title. There were many titles which, through some accident—the loss of a document, perhaps, or a difficulty in producing a certificate—were good holding titles, though you could not prove to the satisfaction of a conveyancer that there was a "good" title. But if you wanted this question properly decided, you must have a Judge to do it. That had been the course pursued in establishing the Landed Estates Court in Ireland; and even from the decision of the Judge of that Court there was an appeal to the Court of Chancery and the House of Lords. Why should we be treated worse in England than in Ireland? According to the Bill, however, the registrar was to determine once for all whether a defective title was a good holding title. Under Lord Cranworth's Act, before registration of title, notices must be given to parties interested, including the neighbouring landowners. There was not the slightest injustice in such a provision, because your neighbour's boundaries might be encroached upon, and it was only right he should have an opportunity of protecting his interests. The fatal objection to the working of the Act was not the requiring of such notices, which were inevitable, but the consequent expense, because it might be that if the question of boundaries arose, the result of the attempt to register would be a lawsuit. In Ireland the existing Act worked well when you wanted to sell, but did not work at all when you did not want to sell. In any case the proposal to take away this jurisdiction from a properly constituted Court and transfer it to a registrar could not be entertained with a due regard to the rights of the neighbouring landowners. You might make things cheap, but it must not be at the price of committing injustice. It was true that one of the sections of the Bill provided for a declaration of title without any definition of boundaries. How the title could be declared without defining the boundaries of the estate he did not know; it was a most wonderful notion, and the remedy would be far worse than the disease. Lord Westbury's Act had been described as a bad Act, because it provided for a reference of the title to the examiners appointed by the Court of Chancery, who were eminent conveyancers, and not to the registrar. Now, it was certainly better to refer questions of this importance and difficulty to practising conveyancers rather than to one who had relinquished that branch of practice. He had had a long experience of conveyancing, and knew something of it; but he had given it up for 10 years, and should not now consider himself competent to advise upon a long and complicated title. If he bought an estate, he should send the title to be examined by a practising conveyancer. The proposal in the Bill, however, was to send titles from those who did understand them to those who did not. That would not be an improvement in the law; it would be a change for the worse. Sections 17 and 18, too, proposed to amend the Leases and Sales of Settled Estates Act, and were quite foreign to the other purposes of the Bill. It had also been said that a second mortgagee had not the power of sale. But under the Act of Lord Cranworth a mortgagee had such a power, unless he expressly contracted himself out of the Act; and therefore the House was now asked to give the power of sale to a mortgagee who must have expressly covenanted for valuable consideration —perhaps the payment of higher interest—that he should have no power of sale. The Bill was open to other objections, but he hoped he had said enough to convince the House that it ought to go no further, more especially as there was not the least likelihood of its passing.

Dr. BALL said, he thought his hon. Friend (Mr. Gregory) had done good service in bringing the subject under discussion, and hoped the Solicitor General would apply his mind to the question of amending the law in this particular, and of making Lord Westbury's Act a really effective measure. The Government had no excuse for not amending this branch of the law so long as they had the assistance of his hon. and learned Friend.

Mr. GREGORY said, that after the expression of opinion which had been given he would not put the House to the trouble of dividing.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

OCCASIONAL SERMONS BILL.—[Bill 61.]

(*Mr. Cowper-Temple, Mr. Thomas Hughes.*)

SECOND READING.

Order for Second Reading read.

Mr. COWPER-TEMPLE, in moving that the Bill be now read a second time, said, that it was intended as a practical measure of administrative reform in the law of the Church of England, augmenting its comprehensiveness without touching any doctrine, and without requiring the repeal of any statute, or any ecclesiastical law. It was intended to give a liberty to the authorities of the Church which they had formerly possessed, and which was not intended to be taken away from them by any expressed enactment. In all other Protestant communities in England there was a power exercised by the pastor to admit into his pulpit teachers belonging to other denominations — a power which was frequently exercised with advantage to the congregation and with convenience to the minister. The same power existed and was exercised by the ministers of the Episcopal Church in Scotland, and of the Episcopal Church in America. In America he had heard of a case in which an Episcopal minister admitted a Baptist minister to his pulpit against the wish of his Bishop, with the approval of his congregation; but in this Bill the Episcopal control would be maintained in accordance with English notions. In the Bill the power which was inherent in the Bishop still remained untouched, and special permission would have to be obtained from him before persons who were not in Holy Orders could be admitted to preach in the pulpits of the Established Church. Our Church was the only one in which the Bishop was restricted in the power of giving licenses to his priests by any Act of State, and in which an incumbent was limited in his power of admitting anyone to his pulpit, by the condition that the person so admitted should belong to the same Church. The distinction, upon which the Bill rested, between discourses which were to be delivered occasionally and exceptionally, and which implied no definite relationship between the preacher and the congregation and the ordinary stated teaching of the regular ministers, was one which had been universally recognized from the earliest times of the Church. In those days a great part of the stirring and popular preaching was done by friars who had no Orders and who were laymen; and when we looked back to the precedents of antiquity we found that at the Fourth Council of Carthage the practice of lay teaching was recognized, for a canon was passed providing that laymen were not to preach in the public offices unless the clergy who happened to be present should give them permission. After the Reformation, the deficiency of preachers in the regular ministry was so great that the Bishops and other authorities were obliged to give licenses to other persons to go and preach specially and occasionally, without having received Holy Orders. One of the objects of the present Bill was to place the license of the Bishop and the permission of the incumbent with regard to occasional and exceptional sermons upon a different footing, so far as the qualification of the individuals was concerned, from those discourses which were delivered as part of a regular and stated ministry. There appeared to be no distinct law that a Bishop in giving a license should be so restricted as to give it only in the case of occasional sermons to such persons as were in Holy Orders in the Established Church. There was no such restriction in the Act of Uniformity; but, on the contrary, it contained an exception for persons who delivered lectures in the nature of occasional sermons, those persons not being required to have gone through any form or made any declaration; but only required to be present during the reading of the Book of Common Prayer, provided that it was not read by them, but by some priest or deacon. There was an exception, then, present to the minds of those who framed the Act to meet the sort of case which was contemplated by the Bill. In reference to the teaching part of the functions of Bishop, priest, and deacon, in the preface to the ordination service, no allusion was made to the preaching of occasional sermons, and they were assumed not to be excepted from the general rule. Legal doubts, however, existed as to whether, at that moment, the Bishop could or could not exercise the discretion given to him by the Bill, and in the face of that doubt this Bill became necessary. The Bill, therefore, was not drawn up to repeal any existing statute, but simply to declare that lawful about which there was now some doubt. The expediency of the Bill would turn upon the question of whether it was good or not to relieve the authorities of the Church of any fetters or restrictions which were unnecessary, or which were not imposed for any clear and useful purpose. He felt strongly that every religious community should be left as free as they possibly could be left by Parliament, and that no fetters or restrictions should be imposed upon them without some strong and clear necessity. There was no state reason why Bishops and incumbents should be deprived of the discretion which they would naturally have, in the absence of any statutory restriction, to admit to their pulpits any minister of any other communion. At the time of the Restoration there was a State reason why Nonconforming ministers should not be admitted into the pulpits of the national Church. Nonconformity in religion had got closely connected with Nonconformity in State matters, and the phrase—"No Bishop, no King," expressed the logical connection between resistance to the authority of the Church and resistance to the authority of the State. But the Acts of Toleration passed in subsequent reigns left Nonconformists on the spiritual ground they had taken, without being forced to assume political antagonism, and left no political reason against the admission of a Nonconformist into the pulpit of the National Church. Was the restriction required for the authority and discipline of the Church? This position was not tenable, since the Act of 1840 allowed ministers belonging to the Episcopal Churches of America and Scotland to be admitted to pulpits in dioceses of the Church of England. They owed no allegiance to the heads of our Church, and were not amenable to its laws. There could be no national advantage in preserving restrictions which prevented foreign ministers from partaking in this country of the interchange of ministerial offices which they enjoyed abroad. He believed that it would be a great relief to many clergymen, and acceptable to many congregations, if they could have substantially the same teaching from persons belonging to a different school of thought, and having a different style of preaching. It would be an advantage that sometimes the subject should not be dealt with in the conventional manner which was common to the Church of England. ["Oh, oh!"] He meant to say the habitual way of ministers of the Church of England, and most persons would appreciate variety in the presentation of old truths. The congregations would suffer no disadvantage from such a change, for, practically, their consent must be obtained. He trusted that the day was not far distant when the main body of the congregations could have a representative voice by which their opinions would be ascertained. Already there were some parochial councils, and where they existed the incumbent would, of course, ask their opinion in this matter. Nonconformist ministers who had absolute power in their own pulpits did not exercise it without reference to the wishes of their congregations, and there would be no object for a clergyman of the Church of England to disregard the wishes of his congregation. When the principle of the Parochial Councils Bill was adopted, a machinery would be created by which the assent of the congregation could be given as well as that of the incumbent and Bishop. Was this restriction required to secure orthodoxy in the national pulpits? For such a purpose it was illusory. In the last century this idea might have had some weight, but

in the present day the proceedings in the Ecclesiastical Court showed that the declarations made by clergymen on entering the Church was no sure guide to their subsequent teaching. Before Mr. Voysey was removed, Mr. Bennett would have had the power to invite Mr. Voysey to occupy his pulpit. The differences between men who had signed the same Articles was as great as between men who could not go through the same ceremony. They must not rely upon ceremonies, but rather upon personal responsibility to secure orthodoxy of opinion. The personal responsibility would remain under the Bill. The existing law could not have been intended to raise an artificial barrier between clergymen of the Church of England and ministers of other denominations, because it was one-sided, for no construction yet put upon the statutes made it illegal for a clergyman of the Church of England to preach sermons in places of worship not belonging to the Church of England. Clergymen had preached in Nonconformist chapels; and no doubt could be entertained as to the propriety of their conduct when such eminent Prelates as the Archbishop of York and the Bishop of Winchester had preached in a Presbyterian church. They had done more than would be permitted under this Bill, for they conducted the service. He admired those Prelates for the course they had taken, rising in their sympathies above those narow and Pharisaical notions which prevailed; and they had, in fact, acted on the principle upon which this Bill was founded. The Bill was not framed in any spirit of party, and was not intended to benefit any particular school of thought; it would do something to banish that spirit of exclusiveness and those airs of superiority which had sometimes been attributed to the Church of England, and it would provide an opportunity for the co-operation of earnest men in promoting the living faith and the Christian life on which persons of different creeds were agreed. Retaining these opinions, he begged to move the second reading of the Bill.

Mr. T. HUGHES seconded the Motion.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Cowper-Temple.*)

MR. BERESFORD HOPE*: Sir, I am glad to be able to agree in one sentiment—almost the last he uttered—which fell from my right hon. Friend (Mr. Cowper-Temple). He said that his Bill was not brought forward to benefit any particular school of thought. I do not think that it is. I think not only that it will benefit no particular school of thought, but that it will not benefit any consistent or logical thought at all. If I desired in place of thought and study to introduce sensationalism, or what my right hon. Friend pleasantly calls a desire for variety, I should feel sure that I possess the means of doing so within this Bill. My right hon. Friend spoke strongly and learnedly upon precedents; he is much impressed with the value of Church discipline and authority. I noted those words in his speech, and I observed with pleasure the importance which he attributes to those principles. But I rise on the other side—having as much respect for authority and discipline as my right hon. Friend—in the name of the liberties and rights of the congregations; I stand up on behalf of the laity whose liberties would be imperilled under the intolerable, because unlimited, tyranny contained within the four corners of this Bill. There is a class of people in this country whose existence is too often overlooked during our Wednesday deliberations, but who still have an existence, and whose rights we are bound to protect. These are not the people "with itching ears," who carry on dissipation under political or social pretexts for six days in the week, and then fill up the gap upon the seventh by indulgence in rhetorical fireworks, but those quiet people who go to Church to worship God in the way their fathers did, and to be instructed in their duty. That class of people will find their status much imperilled by this Bill; but before proceeding to discuss its provisions, I must remark that in the speech of my right hon. Friend I observe a remarkable deficiency. In the course of the observations following the introduction of the Bill I threw out some interlocutory remarks, and said that it did not appear to be limited to the admission of Nonconformist ministers, but that as it was drawn it would admit a Church layman into the pulpit. On that my right hon. Friend jumped up, and said that the Bill was intended to admit the Church laity. But from one end of his present speech to the other, that side of the Bill has been kept in the background; and thus I find myself deprived of the help which the able advocacy of my right hon. Friend would have given me in fixing the points on which I feel certain that that relaxation would be dangerous. My right hon. Friend has fallen back upon precedents and instances, and I am glad he has done so, for they have their value; but to be valuable they must be accurate, and run on all fours; and in face of that requirement one of his most astonishing statements was the assertion that the American Church recognized this principle of his Bill. His proof was that a certain clergyman—who, as I may add, is named Dr. Tyng—introduced a minister of another denomination into his pulpit, to the great disapprobation both of his Bishop and of the community to which he belongs. I have not the canons of the American Church by me, but I believe I am right in saying that by that act Dr. Tyng contravened those canons. The matter was taken up and investigated; and if Dr. Tyng did not substantially suffer, that only shows that the discipline of the American Church is not strong for practical purposes; but it does not prove that Dr. Tyng and his abettors acted in conformity with the spirit of their canons. Then my right hon. Friend appealed to the Preaching Orders of the Middle Ages. I ask what were those Preaching Orders? They were bodies of men in the most complete subjection and submission to the Church of Rome, and who were sent out to preach because —and only because—they were absolutely identified with the system on behalf of which they spoke. Yet that institution is quoted as a precedent for an occasional license to preach to be given to persons who are not identified nor even in conformity with the body whose pulpits they are to occupy. The practice may have been right or wrong, the Friars may have been good or bad, and this Bill may be a beneficial or a dangerous thing; but as an illustration of the advantage of it, the instance proves absolutely nothing. Then my right hon. Friend falls back upon the Fourth Council of Carthage. What argument does he find there? The canon to which he refers is one to limit, not to confirm, occasional sermons. There may have been prior to this Council some system in existence similar to that which is found in this Bill; but, if so, it was found to work so ill that limitations were put upon a practice which was found to be at variance with the existing canons. Then, again, it is true that after the Reformation, viewing the scarcity of clergymen and the scantiness of population in many districts, laymen were occasionally permitted to preach. Those who have studied the history of the reign of Elizabeth may recollect the one lay sermon of that age which has come down to us, preached upon a day when the High Sheriff of Oxfordshire got up with his sword by his side, and professed that he had come to distribute some dainty comfits to the sweet chickens of salvation. Does my right hon. Friend wish that for the future the High Sheriffs of counties shall preach the Assize sermons?

But to proceed to the consideration of the Bill itself. I must say that in this measure my right hon. Friend has transcended the utmost limits of vague and ambiguous language allowed even to the innocent bantlings of a Wednesday afternoon. To begin with the first words of the 1st clause—"It shall be lawful for the Bishop on the application of the incumbent or officiating minister." The officiating minister! Who is he in law? What definition can be given of so fleeting a personage? A tired clergyman may go for a month to the sea-side, and when he comes back he may find that the "officiating minister" who has taken his duty for those four Sundays has, in his absence, brought in a Boanerges from the Potteries to deliver occasional sermons, and has upset the whole good order of his congregation. On one point I praise my right hon. Friend. He has made the thin end of the wedge argument impossible. There is no room for it; for the wedge itself, and the hammer that drives it, and the hand that wields the hammer have all gone in with the Bill. The clause goes on to deal with "persons not in Holy Orders of the Church of England," and my right hon. Friend, as I have said, argued the Bill throughout as if it were intended only to apply to Nonconformist ministers. Why did he not state what he had asserted before—that it would equally apply to laymen of the Church, if such an one desired to preach? In regard to those persons he proposes that it shall be lawful for the Bishop to license them to preach "an occasional sermon or lecture." What does he mean by an "occasional" sermon? The duties of every Sunday are occasional compared with the other days of the week. The phrase may mean anything, from a casual discourse at some long irregular interval to one which recurs every fourth, or third, or second week. It may be so worked as to authorize a complete cycle of weekly discourses by different orators. Each sermon may be an occasional one as far as its particular preacher is concerned; but if the clergyman manages the arrangements dexterously, they will as a whole be habitual, and the unlucky parish may find itself condemned to an endless series of sensational orations duly announced by illuminated placards at the church doors. But the most astounding feature of the clause is its hazy enactment enabling the Bishop to license these occasional sermons or lectures. It is, as if on purpose, left vague whether the clergyman is to ask for, and that the Bishop is to grant the license each time, and for only one sermon; or whether the license is to overflow the one occasion, and if so, for how long is it to run. Is it to continue for the man's life time, or for the life of the Bishop who grants it; or are all future Bishops in the see to be bound by the permission granted by their predecessors? If the person licensed abuses his trust—for we may have even occasional preachers that are disobedient to the laws of good sense, good manners, or morality—as we find that even incumbents are not always obedient to them—where is the power to revoke the license? So hastily and carelessly has the Bill been drawn that the draftsman has actually forgotten to make any provision for revoking the license; and so a gentleman who has graduated at Little Rock, or some other equally distinguished seminary over the ocean, and who is desirous of exhibiting himself to an European audience, may obtain a license, which, when he becomes better known, the Bishop cannot revoke. His sermon may smell of Geneva, with a good deal of Indirect Claims in it, with something of Calvin, and, perhaps, a little of the homonymous spirit; but the Bishop will have given his permission, and he will find himself powerless to withdraw it. The Bill says that the person is not to be in Holy Orders, and stops there, and so the preacher may not even be a member of any Christian denomination. A clergyman may apply to his Bishop for a license for a distinguished foreigner, and that foreigner may prove to be an active-minded Mahomedan, or a Brahmod, or Buddhist. The House must not object to me for taking extreme cases. It is extreme cases which test the value of a proposal. We have in the Church about 15,000 clergymen as honest and respectable as a class as are to be found anywhere in the world, yet there may be among them different degrees of respectability, and different qualities of moral sense. We can suppose that there may be some perplexed clergyman in a destitute Peel district. His church does not fill, and he is at his wits end with the expenses of a growing family. He will find his way to the Bishop of his diocese and ask leave for a distinguished American clergyman to preach, and probably he will obtain it. Some five or six weeks afterwards he will apply for permission for another distinguished foreigner, and in due course will again come forward with as many like petitions as he may need. Then the curtain will rise, and the large posters will be unfurled—on one Sunday it will be an enlightened Mahomedan who will offer a dispassionate survey of Christianity; the next orator will approach the problem of Creation from the starting point of natural selection; the third Sunday will be thrown in to the rigid Calvinist; on another, an accomplished Comptist will extol the worship of humanity; while the Brahmod will take the next turn with the genteel Spiritualist or Mr. Howard Paul to complete the cycle. This daring clergyman will stand above or below all law. He will have got the Bishop's irrevocable license for all his performers, and he has only to reckon the shoals of listeners who will crowd his church Sunday after Sunday. How is the Bishop to proceed against the clergyman who has obtained his own permission for these men to preach? The Ordinary cannot put the incumbent into the Ecclesiastical Court, for the obnoxious sermons will be none of his, and still less can he proceed against the occasional preachers. Clergyman and preacher can alike defy the Bishop, defy the law, and defy common sense, and our churches will become theatres of entertainments, resembling those with which distinguished performers enable us to wile away our week-day evenings. We must take another case. There are such things as proprietary chapels. Any person strong in means, and strong in views, may become proprietor of one of these chapels, and put in his clergyman. That clergyman may go to the Bishop and represent that the gentleman who bought the chapel, and who put him into it for the pure love of souls, and in order to extend the doctrines of the Church of England, was desirous to give an occasional sermon in the chapel. How can the Bishop refuse a license to such a man; and yet the fact may be that the proprietor has acquired the place only because he holds—though hitherto in the dock—opinions in which very few of his fellow-citizens share. He may be an advocate of polygamy, or an enthusiastic believer in the mortality of the soul; and yet the Bishop will be equally unable to cancel the permission, or prove complicity. But I have not done with my cases. We are many of us patrons of livings, and most of us go down into the country during the Recess, and coming as we do fresh from the debates of this House, I dare say it is the opinion of all of us that we should as well be able to speak from the pulpit as from these benches, especially as there is no one in Church to call "Question." Would it not be a dangerous temptation to you, Sir, and to all of us, if this Bill passed, to make it a condition of our presentations that the pulpit should not be cruelly shut against the patrons?

Now, I come to the Bishops. If there is one thing that would condemn this Bill more than another it is the position in which it puts the Bishops; for it starts the Bishops on a totally new line of action, while it affords them no guidance for their conduct. There are 28 Bishops in England and Wales with the Isle of Man—28 individual minds—28 different qualities of intelligent thought that are all to be simultaneously brought up to consider this vague and Sibylline scrap. One Bishop will think caution is the best policy, and he will refuse licenses all round. Another will look upon an Act of Parliament as imperative, and he will license all round. A third Bishop will think that the Gospel can lose nothing by free inquiry, and will look out for preachers of startling views to stimulate the flagging orthodoxy of the beneficed incumbents.

Another Bishop may have decided opinions upon one set of doctrines, and will only license Nonconformists who hold views similar to his own. Another Bishop may be a High Churchman who will, in working the Bill, ignore Dissenters, while he uses it as leverage to introduce preaching Orders into the Church of England—gentlemen who put on brown or white or black gowns, and live according to a rule. There are some hon. Members who know that I am not talking at random, but that there are men of singular dress and high rhetorical power who call themselves English Benedictines or Cistercians. These persons—whose zeal and devotion are undoubted—might fairly come forward and plead that the right hon. Member for South Hants had carried an Act which was intended to remove all doubts as to the legality of the preaching Orders in the Church of England; and any Bishop who sympathized with them would have the right to work that Act in that sense just as his brother would have the right to work it in a sense favourable to Nonconformist ministers. I am not now going into the right or the wrong of these opinions and practices; I point only to what the Bill would sanction. It may—it must—sanction not only free trade in preaching, but it will also sanction the creation of religious Orders in the Church itself, which may be right or may be wrong in themselves, but which ought not to be brought in by a side-wind in an obscure measure like this one. My right hon. Friend talks of unshackling the Church. How does he unshackle it? He will, perhaps, unshackle a few restless individuals, but he will lay heavy burdens upon the great body of quiet clergy who know little or nothing of this Bill, and who will certainly be startled when they take up their newspaper to-morrow and find to their surprise what important interests of theirs have been discussed behind their backs. My right hon. Friend would hamper the Church for the personal benefit of some persons well able to take care of themselves, and that at the expense of others in every respect as good as themselves.

Now, a few words to those Nonconformists who may fancy themselves complimented by this Bill. Where is the compliment? If it were proposed to admit into the Church pulpits all Nonconformist ministers who were duly qualified according to the respective by-laws of the different denominations, and give them the same right of using the pulpits as the ordained clergy possess, I should oppose the Bill, because it would destroy the existing Church of England and substitute a totally novel body. But, at any rate, such a proposal would be logical and consistent, however revolutionary. But this Bill is not a compliment, but an affront to Dissenters. It gives the right to a clergyman to patronize his own favourites at the expense of all the others. The man of free thought will patronize preachers of one denomination, and the Calvinists will go in for another, while the invitation will in each case not be to the body, but to the man himself; and thus every Nonconformist whom any clergyman may invite, will, in virtue of such invitation, be placed by an external influence in a position of notoriety above his equally, or more deserving fellow-ministers. If the Nonconformists accept this Bill, they will put it in the power of the eager, and the fussy, and the self-seeking among the clergy to trot them out and exhibit them as cats-paws for the purpose of filling the churches. And when a Nonconformist has accepted such a situation, he will have accepted it as we all accept invitations to public meetings. Do we not all of us know the feeling of going to a public meeting with which we have, perhaps, a very limited sympathy, and the object of which we do not fully approve? But when we are there, the rules of courtesy compel us to sink our doubts and differences. We get diffuse and rhetorical, and we express sentiments much warmer than what we really feel. So, by the very fact of accepting a preaching invitation, the Nonconformist will give ground for the assumption that he has for the time agreed to sink his differences with the Church. Now, it must be plain to anyone who considers what are the enormous advantages which the Established Church possesses, that no man would be a Nonconformist unless he had a real difference of opinion with that Church. The difference may be a mere hair's breadth, or it may be a wide chasm; but a difference there must be. But once let a Nonconformist accept this invitation, and then the laws of courtesy will compel him to prophecy smooth things; and, instead of counselling the congregation as he himself feels in his heart, to go out of Babylon, he will tell them that Babylon is the same as Jerusalem, and Jerusalem is the same as Babylon, and each very like the other. There may be people who will say of this sort of preaching—"What Catholic sympathies! What wide and generous views!" But when he gets up next morning he will feel that for the honour of being allowed to preach in some stately minster or fashionable church he has lost his unique opportunity for testifying to the cause of truth, and has sacrificed an [apostle's position for the sorry triumph of stealing the applause of the giddy crowd, who would run anywhere to listen to a florid oration. And what would his own people think of such backsliding? They would feel that their favourite guide had lost his influence, and that he had lost it for that one day of sterile peacock triumph. Yet it is for that result that my right hon. Friend proposes in this helter-skelter way to alter the whole tone and discipline of the Church. My right hon. Friend appeals to the Act of Uniformity. But I took the trouble to look at the Act of Uniformity while he was talking about it. That Act provides that any lecturer or preacher must previously have been approved and licensed by the Archbishop or Bishop, must have read the appointed service, and must have declared his conformity to the whole Book of Common Prayer. That meant, when the Act passed, that he must have been a priest or a deacon of the Church of England. It is very true that there is an exception made afterwards, allowing the preacher, in a certain case, merely to declare his assent and consent. But that only applies to cathedral and collegiate churches and chapels, and can anybody suppose, in reading the Act of Uniformity of 1662, that there is any intention of giving liberty to any person to preach in a cathedral unless he were a clergyman of the Church of England? This whole Bill is intended for those who hanker after the dissipation of rhetorical displays. But the people who wish to worship God as their fathers did before them—the clergy who are only anxious to do their duty in the way in which they have sworn to do it—these would feel all their deepest devotional feelings disturbed by these novel arrangements. And why should they be so harassed? There is no lack of other facilities for any man to make himself heard, who has anything worth saying. There are lecture rooms, there are public halls, there are journals, there are Nonconformist chapels of every description, in which all men may put forth all and every kind of doctrine whether sound or whether mischievous. With all these resources of our busy age ready, let not the House sanction this vague and perilous inroad on the existing system of the national Church, with which its members are thoroughly well content. I therefore call upon hon. Members to reject this Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Beresford Hope.*)

MR. T. HUGHES said, he must express his almost entire divergence from the views of the hon. Member who had just sat down. The hon. Member had expressed great regard for precedent; but had he considered that for more than 100 years after the Reformation, by the law of the Church of England the Presbyterians of that day, whom we now called Puritans, occupied Church of England benefices and preached in Church of England pulpits? The Act of Uniformity unhappily put an end to this state of things, but even that Act, narrow as it was, allowed lecturers of other denominations to officiate in the Church of England, as the hon. Member was constrained to acknowledge. Since that time there had been other Acts passed to modify the stringent operation of the Act of Uniformity, such as that of the 32nd Geo. III., by which Protestant Episcopalian ministers were allowed to preach in Church of England pulpits, and that of the 3 & 4 Vict., which admitted American Episcopalian ministers to perform service in the Church of England. But did the hon. Member know that in the American Episcopal Church the Athanasian Creed was rejected? His hon. Friend pleaded on behalf of the quiet laity, and protested against the tyranny of the clergy; but he conceived that the safeguards given by the Bill were as good as any one could in reason demand. Who was most interested in keeping congregations together? Was there the least reasonable fear that the clergy would risk emptying their churches by allowing unfit persons to preach in them? The hon. Member also said that the Bill was a revolution in the whole system of the English Church. Well, really, that was a very large phrase. What did the change proposed in the Bill amount to? It amounted to nothing more than that the two persons chiefly interested in the matter—to whom it was most important to see that the congregations committed to their charge should have proper doctrine taught—should have the power of allowing persons not connected with the Church of England, to preach occasionally in the pulpits of the Church. His hon. Friend asked what was the meaning of the word "occasional." Anybody with the least common sense would say "occasional" meant "now and then," and not "continuously," as his hon. Friend had apparently interpreted the word. The next objection taken to the Bill was that though it gave power to the Bishop to license, it gave the Bishop no power to revoke the license. But the power to revoke would have been surplusage, the Bishop having absolute discretion by the Bill as to whom he should license, and for how long. They might be sure, however, that the power given would be exercised with sufficient discretion. His hon. Friend then went on to put cases by which, if they happened, decency would be outraged, and he spoke of a Mahommedan, a Brahmin, a Comptist, or Mr. Howard Paul receiving this license. That was not a proper way of meeting a Bill of this kind; and he thought it deserved to be treated with respect at least by those who professed to represent the Church. It was also argued that it would place Bishops in an invidious position, but it would not put them in a more invidious position than they were in at present. They had at the present time constantly to say whether they would allow certain Episcopalian clergymen of the Scottish and the American Churches to do duty in the Church of England. Surely it could not be felt by the Bishops as a serious increase to their responsibilities if they had now and then to consider the question whether they would allow such men as the late Dr. Norman Macleod, or Principal Tulloch, or Mr. Baldwin Brown to occupy a Church of England pulpit. That was not putting any very heavy responsibility on the Bishops, and he conceived that Bishops would be quite ready to accept that responsibility. His hon Friend said that the Church of England had not been consulted in the matter. But the only place where the Church of England could be consulted on its discipline, practice, and ritual was in that House. The Church of England had, therefore, been properly consulted by this Bill, which had been brought before the House in the usual way for its consideration. Then the hon. Gentleman gave the House a picture of some Nonconformist preacher getting into a Church of England pulpit and saying that Babylon and Jerusalem were, after all, very much like each other. Well, he would only be saying the truth. They were very like each other in our country, in our time. Would the hon. Gentleman point out any vital difference between the doctrines of the national Church and that large body of Protestant Dissenters some of whose ministers might, under the Bill, be asked occasionally to preach in the pulpits of the Church of England? It must be known to every Member of the House that those distinctions which were really alive at the time of the Act of Uniformity had almost disappeared. The real question was whether the hon. Gentleman and those who agreed with him wished to maintain the national Church or did not. Generally, when he heard them speaking he thought they must be in league with the Liberation Society, and that they wished the national Church to be turned into a sect, and taken from under the control of the House. If that was the desire of the hon. Member for Cambridge University he was going the right way to bring it to pass. The national Church must be the broadest and most tolerant of all religious bodies, and able to conform itself to the new conditions of society in which it found itself; whereas, those who pretended specially to represent it seemed to delight in narrowing its boundaries. The other day when the Nonconformists asked to be admitted to bury their dead in the burial grounds of the national Church, they had been refused, and now their best men were about to be pushed back from the pulpits of the national Church. He himself was an attached member of that Church, but he felt that if it was to be sustained it could not be sustained in the future by the policy of his hon. Friend and those who supported him. He trusted the House would see its way to allow the Bill to be read a second time, with any modifications which might be thought necessary.

MR. SCOURFIELD said, he demurred to the statement of the hon. and learned Gentleman (Mr. T. Hughes) that the persons most interested in having good preachers in church pulpits were the clergyman of the parish and the Bishop. He thought the congregations had the greatest interest. There were those who talked and those who had to listen; and his sympathies were, therefore, with the congregation. Conventional respect compelled one when at church to listen to a man who might be an intolerable bore, which involved the loss of valuable time and perhaps damage to one's morality and Christianity; and of all the injuries the most irreparable was the loss of time. A congregation had a claim to have their rights respected. If there were a class of persons in the country who could not exist without perpetually holding forth, he would suggest that they should be enrolled as a body of penal lecturers, who should go about the country preaching, and let persons who had been convicted of light offences be compelled, as a secondary punishment, to listen to them.

MR. J. G. TALBOT said, he thought the question involved in the Bill was of a really serious character. He had hoped on that occasion to have the views of some Nonconformists on the subject, who, if they were going to support the Bill, ought to state why they did so. The words of the Bill were exceedingly wide, and would admit anybody, from the Pope down to the Brahmin, into the pulpits of the Church of England. That being so, they must consider who and what were our Bishops *in esse* and Bishops *in posse*. Among the former there were right rev. Prelates on the Bench, who were known for their broad sympathies, and who, holding that it was well to listen to both sides, might introduce very undesirable persons into our Church pulpits. Among those *in posse* there were men who might go farther than any that sat on the Bench. He would not venture to name any, but there was a clerical dignitary not far from the House who desired the public utterances of almost anyone who would call himself a Christian, and who, under the operation of this Bill, would probably have offered his pulpit to a distinguished Eastern philosopher who recently visited this country. The hon. and learned Member for Frome had said that that House represented the Church of England. That was a new doctrine, which he had never heard before. To say that that House was the only body that was entitled to legislate for the Church of England was a doctrine which he would venture to dispute. It was equally a new doctrine to say that the Bill came from the Church, because it came from two of its members. The hon. Gentleman seemed to suppose that this Bill would reclaim Dissenters to the Church of England. It was idle to suppose anything of the kind, as the differences between Dissenters and the Church rested on far other grounds than those dealt with by the Bill. He admitted that the Bill opened a question worthy of consideration; but that the House should be asked to pass clauses which threw the pulpits of the Church of England open to the most extravagant doctrines was a proposal which he for one would not affirm.

MR. RICHARD said, as a Dissenter, he must respond to the appeal made to them. He did not feel any great anxiety on the subject. No doubt the promoters of the Bill were actuated by Christian charity, but unhappily that was a plant which did not flourish in the Established Church, which was shown by the fact that it was too great a stretch of charity to allow Dissenters to have their own services in the churchyards. What struck him with regard to the Bill was the humiliation to which the Church was subjected in having to submit such a question to Parliament—a humiliation which must continue as long as the Church remained an Establishment. The best thing that the Church could do would be to escape out of their worse than Egyptian bondage to the State as quickly as they could.

MR. D. DALRYMPLE said, he was in favour of the principle of the Bill being carried into practice, especially as he believed that a large number of members of the Church would gladly accept the change. He did not think that any danger or difficulty would arise from the Bishops having the power to allow other than those in Holy Orders to preach in the pulpits of the Church. He remembered once hearing the Bishop of Norwich say to Mr. Brock, an eminent Nonconformist divine—"I hope to see the day when you, Mr. Brock, will preach in Norwich Cathedral." "I hope so too, my Lord, but it will not be until you come to preach in St. Mary's Chapel." That such a consummation was desirable few would deny, and he looked to the Bill before the House as a step towards its production.

Mr. HENLEY said, he thought that the Bill opened two very large questions. He was quite sure that his right hon. Friend (Mr. Cowper-Temple) had brought forward the Bill in the full belief that that there were many highly-gifted persons of whom it might be said that it was desirable that they should preach in the pulpits of the Church. But what would be likely to be the operation of a measure like that in our present state of society? It seemed to be intended that the persons introduced into the pulpits might use places hitherto used only for prayer for the delivery of lectures or the preaching of sermons. Would that tend to the promotion of peace, charity, or edification? Persons of scientific or other pursuits might wish to use places of worship for scientific or other purposes. Many would think that harmless, others would think it very good; but a great many more would be put about and shocked by such a use being made of churches. They recollected what was said about using cathedrals for musical festivals for charitable purposes. How much feeling would be excited if a similar system were put into operation in every church? Would they get any good for this possible evil? Now, as to sermons—suppose in one parish Archbishop Manning were asked to preach, and in another Mr. Spurgeon. Now, they could never have all the people of one parish of the same opinion, and therefore a great deal of ill-feeling would be sure to be excited. The system would not tend to promote peace, charity, or good, but rather evil, heartburning, and uncharitable feeling; and they would lose more than they would gain by the minister of a parish bringing in somebody whom he thought had greater talents and gifts of God than himself. He believed that the evil would very far outbalance any possible good, and therefore he should vote for the Motion for the rejection of the Bill.

Mr. D. Dalrymple

Mr. W. M. TORRENS said, he did not think that Bishops and clergy would be guilty of the folly imputed to them in reference to the persons whom they would admit into their pulpits. He believed it was most desirable that Church congregations should have the advantage of the teaching of the eminent ministers who were not members of their own Body. Archbishop Tillotson, in the seventh of his Articles of Comprehension, was in favour of some such principle as that embodied in the Bill. He objected to the manner in which the hon. Member for Cambridge University (Mr. Beresford Hope) referred to the Bill, associating in loose phraseology Mahomedans, Brahmins, and Mr. Howard Paul. If he could believe the Bishops and the parochial clergy capable of the folly and faithlessness of giving such persons unlimited use of the Church pulpits that would be a strong reason for getting rid of the Establishment. He thought that the Bill had not been criticised fairly; and, indeed, most of the things which had been objected to would properly be considered in Committee and not upon the present occasion. The discretion which it was proposed to give to the clergy might surely without danger be entrusted to their hands.

Mr. NEWDEGATE said, that it was curious to consider how Liberalism warped the highest intellect. The hon. Member (Mr. Richard) said that the Church was under Egyptian bondage to the State, and if they of the Church were not protected by the law that description would be accurate enough. Then the hon. Member (Mr. W. M. Torrens) would, in the name of freedom, deprive the laity of the Church of England of the protection of the law in reference to the doctrines to which they should listen. That protection was the condition of their allegiance to the Church, and to the law itself. The law had hitherto enacted that no one who had not been duly educated and trained, and who had not formally and deliberately accepted the doctrines of the Church, should be privileged to preach in the pulpits of the Church. That was the guarantee of the freedom of the laity. He refused to delegate to any clergyman or Bishop the right to place over him a teacher, unless the teacher had undertaken the same obligations as the Bishop who appointed him. It had not been considered that there were persons who were retained members of the Church by the protection which the law afforded in this respect. When the Pope was at war with England, as he now was with Germany, it appeared from Archbishop Usher's papers that the Pope sent ministers to preach in the pulpits of the Church of England; but that danger the existing law now protected the laity against. It would be too much to ask Churchmen for their continued allegiance if the protection against objectionable doctrines which the law at present afforded were withdrawn from them.

MR. MACFIE supported the Bill, believing that its object was to obtain for the Church of England the freedom which the Church of Scotland had long since obtained, by removing the restriction which prevented ministers of other denominations from preaching in her pulpits.

SIR CHARLES ADDERLEY said, he would only ask this one question—whether, bearing in view the avowed intention of the Bill, it would not be more honest to liberate an incumbent, if he wished it, from the restrictions of the Thirty-nine Articles, and to preach accordingly, instead of giving him in a roundabout manner power to put a layman in the pulpit to preach in that manner?

MR. COWPER-TEMPLE said, he was not a believer in the power of Acts of Parliament to settle what doctrines should be preached in the pulpit. In his opinion, the security given by this Bill was the best that could be obtained—the personal responsibility of the Bishop of the diocese and the incumbent in the choice of the stranger to be introduced into the pulpit. The hon. Member for Cambridge had asked whether a layman would be admitted under the Bill? He would reply that if the Bishops saw no objection to lay preaching, neither did he. The hon. Gentleman need not be so much alarmed for the feelings of the congregations, because if a congregation did not like to listen to a layman they could stay away. ["Oh, oh!"] There would be plenty of other churches open to them. He looked forward to the time when the congregations of the Church of England would have a voice in the management of its affairs; and, in the meantime, he repeated that if a congregation should dislike any preacher appointed under this Bill, they could take French leave, and stay away.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 116; Noes 177: Majority 61.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

SALE OF LIQUORS ON SUNDAY (IRELAND) BILL—[BILL 68.]

(*Sir Dominic Corrigan, Mr. Pim, Viscount Crichton, Mr. M'Clure, Mr. William Johnston, Lord Claud Hamilton, Mr. Dease.*)

SECOND READING.

Order for Second Reading read.

SIR DOMINIC CORRIGAN, in moving that the Bill be now read a second time, said, he proposed in no way to deal with the licensing laws in Ireland beyond introducing there the system which had prevailed for 14 years in Scotland, and under which no beer or spirituous liquors could be sold on Sundays except in hotels. The effect of the drinking habits in Ireland, under the custom of what was called "rounds," was peculiarly pernicious; and they led, not only to the ruin of the men themselves, but also to the great waste of their wages, which, received on the Saturday, were but too often dissipated in whiskey on Sunday. The measure had no connection whatever with the Permissive Bill agitation, nor was it in any degree connected with the present question of the licensing of public-houses.

And it being a quarter of an hour before Six of the clock, further Proceeding stood adjourned till *To-morrow.*

MONASTIC AND CONVENTUAL INSTITUTIONS COMMISSION BILL—[BILL 129.]

(*Mr. Newdegate, Mr. Holt, Sir Thomas Chambers.*)

SECOND READING.

Order for Second Reading read.

MR. NEWDEGATE: I beg to give Notice that I shall fix the second reading for the Morning Sitting on Friday, the 5th of July, because I desire the House to divide on the question, whether a Member not connected with the Government has not the right of precedence at Morning Sittings?

Motion made, and Question proposed, "That the Bill be read a second time upon Friday 5th July, at Two of the clock."—(*Mr. Newdegate.*)

Mr. W. E. FORSTER: The hon. Gentleman is, doubtless, aware that putting down his Bill for the Morning Sitting on Friday is contrary to what has been understood to be the Rule of the House.

Mr. NEWDEGATE: The question has never been decided, and I wish to raise it. I have communicated on the subject with the Speaker.

Mr. SPEAKER: The House has decided that there shall be a Morning Sitting next Friday; but no decision has yet been arrived at as to whether there shall be a Morning Sitting on Friday week.

Mr. NEWDEGATE: I will retain my Notice, because it seems to me that the House will have to rescind its next Resolution if there is no Morning Sitting on Friday week.

Mr. SPEAKER: To proceed with opposed Business at this hour is against the Rules of the House. The Bill will stand over till to-morrow.

And it being after a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

House adjourned at Five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 27*th June*, 1872.

MINUTES.]—Public Bills—*First Reading*—Registration of Births and Deaths* (179); Boundaries of Counties (Ireland)* (180).

Second Reading—Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2)* (172).

Report of Select Committee—Bankruptcy (Ireland) Amendment* (15); Debtors (Ireland)* (52).

Committee—Pier and Harbour Orders Confirmation (No. 2)* (134).

Committee—Report—Review of Justices' Decisions* (164).

Committee—Report—Referred to Select Committee—Church of England Fire Insurance* (102).

Report—Bankruptcy (Ireland) Amendment* (15-175); Debtors (Ireland)* (52-175); Union of Benefices Act Amendment* (167).

Third Reading—Appointment of Commissioners for taking Affidavits* (133); Prisons (Ireland)* (108); Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment, *now* Local Government Supplemental (No. 2)* (130), and *passed*.

Royal Assent—Customs and Inland Revenue [35 & 36 *Vict.* c. 20]; Party Processions (Ireland) Act Repeal [35 & 36 *Vict.* c. 22]; Reformatory and Industrial Schools (No. 2) [35 & 36 *Vict.* c. 21]; Irish Church Act Amendment [35 & 36 *Vict.* c. 13]; Isle of Man Harbours [35 & 36 *Vict.* c. 23]; Alteration of Boundaries of Dioceses [35 & 36 *Vict.* c. 14]; Royal Parks and Gardens [35 & 36 *Vict.* c. 15]; Cattle Disease (Ireland) Acts Amendment [35 & 36 *Vict.* c. 16]; Charitable Loan Societies (Ireland) [35 & 36 *Vict.* c. 17]; Pacific Islanders Protection [35 & 36 *Vict.* c. 19]; Board of Trade Inquiries [35 & 36 *Vict.* c. 18]; Juries Act Amendment (Ireland) [35 & 36 *Vict.* c. 25]; Charitable Trustees Incorporation [35 & 36 *Vict.* c. 24]; Metropolis (Kilburn and Harrow) Roads [35 & 36 *Vict.* c. xlix.]; Local Government Supplemental [35 & 36 *Vict.* c. xlv.]; Metropolitan Commons Supplemental [35 & 36 *Vict.* c. xliii.]; Public Health (Scotland) Supplemental [35 & 36 *Vict.* c. xliv.]; Oyster and Mussel Fisheries Supplemental (No. 2) [35 & 36 *Vict.* c. lxiii.]; Drainage and Improvement of Lands (Ireland) Supplemental [35 & 36 *Vict.* c. lxiv.]; Elementary Education (Provisional Order Confirmation) [35 & 36 *Vict.* c. lxv.]; Tramways (Ireland) Provisional Order Confirmation [35 & 36 *Vict.* c. lxvii.]; Pier and Harbour Orders Confirmation [35 & 36 *Vict.* c. lxviii.]; Gas and Water Orders Confirmation [35 & 36 *Vict.* c. lxix.]; Gas and Water Orders Confirmation (No. 2) [35 & 36 *Vict.* c. lxx.]

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.

PROCEEDINGS BEFORE THE ARBITRATORS.

OBSERVATIONS.

Earl GRANVILLE: My Lords, I wish, in the first instance, to acknowledge my sense of the reticence which this House has preserved. Since the meeting of the Arbitrators on the 15th of June at Geneva, your Lordships have abstained from putting any question which might embarrass the Government; and this abstinence makes me the more anxious to give you what information I can at the earliest possible moment. I could not have given you any at an earlier period; for it was only at half-past 4 o'clock this afternoon that I received a telegram from Geneva, in which I am informed that the Tribunal is no longer desirous of any secrecy as to the proceedings that have hitherto taken place before them. My Lords, your Lordships are aware that the Tribunal met on the 15th of June—the day to which they adjourned three months ago. The Agent of the United States (Mr. Bancroft Davis) at that meeting presented a printed Argument showing the points and referring to the evidence on which his Government relied. The British Agent did not present a written or printed Argument, but delivered to the Arbitrators a Note in the following terms:—

"The Undersigned, Agent of Her Britannic Majesty, is instructed by Her Majesty's Government to state to Count Sclopis, &c., that they regret to be under the necessity of informing the Arbitrators that the difference between Her Majesty's Government and the Government of the United States referred to in the note which the Undersigned had the honour to address to Count Sclopis when presenting the British Counter-Case on the 15th of April last, has not yet been removed. Her Majesty's Government have, however, been engaged in negotiations with the Government of the United States, which have continued down to the present time, for the solution of the difficulty which has thus arisen; and they do not abandon the hope, that, if further time were given for that purpose, such a solution might be found practicable.

"Under these circumstances, the course which Her Majesty's Government would respectfully request the Tribunal to take is, to adjourn the present meeting for such a period as may enable a Supplementary Convention to be still concluded and ratified by the High Contracting Parties.

"Having lodged the present application, the Undersigned is instructed to withhold the written or printed Argument which the Undersigned, as Agent of Her Majesty, is directed to put in under the Vth Article of the Treaty, although that Argument has been duly prepared, and is in the hands of the Undersigned.

"The Undersigned is further directed to say, that Her Majesty's Government (while they would consider the Tribunal to have full power to proceed at the end of the period of adjournment, if the difference between the High Contracting Parties should then have been removed, notwithstanding the non-delivery on this day of the Argument by the Undersigned) continue, while requesting this adjournment, to reserve all Her Majesty's rights, in the event of an agreement not being finally arrived at, in the same manner as was expressed in the note addressed by the Undersigned to Count Sclopis on the 15th April."—[*North America.* No. 10 (1872)].

The noble Earl proceeded to read a Minute of the further proceedings before the Tribunal, as follows:—

"The Conference was held pursuant to adjournment. All the Arbitrators were present.

"Lord Tenterden and Mr. J. C. Bancroft Davis attended the Conference as Agents of Her Britannic Majesty and the United States respectively.

"Mr. J. C. Bancroft Davis then delivered in duplicate to each of the Arbitrators and to Lord Tenterden, the Agent of Her Britannic Majesty, a printed Argument showing the points and referring to the evidence on which his Government relies.

"Lord Tenterden then, on behalf of Her Britannic Majesty's Government, presented the note of which a copy is annexed, requesting an adjournment of the Tribunal for the reasons therein stated, for such a period as might enable a Supplementary Convention to be concluded and ratified between Her Britannic Majesty and the United States.

"Mr. Bancroft Davis stated that he could not say what would be the views of his Government on this motion, until he should know the time for which the adjournment was asked.

"Lord Tenterden stated that Her Britannic Majesty's Government believed that in order to afford time for the consideration of a Supplementary Convention by the Senate of the United States in their session commencing in December next, and for its subsequent consideration by Her Britannic Majesty's Government and for its ratification by the High Contracting Parties respectively, it would be requisite that the adjournment should be for a period of eight months, but that power might be reserved for the Arbitrators to meet at any earlier date, upon being convened for that purpose by the Secretary of the Tribunal upon the joint request in writing of the Agents of the two Governments.

"Mr. Bancroft Davis said that his instructions did not yet enable him to state to the Arbitrators the views of the Government of the United States on this motion in full. He said that he was in telegraphic communication with his Government and he asked an adjournment until Monday, the 17th instant.

"The Tribunal decided that the Protocols should be signed by the President and Secretary of the Tribunal, and the Agents of the two Governments."

The Conference was then adjourned to Monday, the 17th day of June, at 2 o'clock.

When the Conference met on the 17th, pursuant to adjournment, Mr. Bancroft Davis, the United States Agent stated that he was still without definitive instructions from his Government regarding the request of the British Agent for adjournment, and suggested a further adjournment of the Tribunal until the 19th inst., and Lord Tenterden making no objection, the Conference was adjourned accordingly. At the meeting on the 19th, Count Sclopis, on behalf of the Arbitrators, made the following statement:—

"The application of the Agent of Her Britannic Majesty's Government being now before the Arbitrators, the President of the Tribunal (Count Sclopis) proposes to make the following communication on the part of the Arbitrators to the parties interested.

"The Arbitrators wish it to be understood that, in the observations which they are about to make, they have in view solely the application of the Agent of Her Britannic Majesty's Government which is now before them for an adjournment, which might be prolonged till the month of February in next year; and the motives for that application, viz., the difference of opinion which exists between Her Britannic Majesty's Government and the Government of the United States as to the competency of the Tribunal, under the Treaty of Washington, to deal with the claims advanced in the Case of the United States in respect of losses under the several heads of:—(1) the losses in the transfer of the American commercial marine to the British flag; (2) the enhanced payments of insurance; and (3) the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion; and the hope, which Her Britannic Majesty's Government does not abandon, that if sufficient time were given for that purpose, a solution of the difficulty which has thus arisen, by the negotiation of a Supplementary Convention between the two Governments, might be found practicable.

"The Arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two Governments as to the interpretation or effect of the Treaty. But it seems to them obvious that the substantial object of the adjournment must be to give the two Governments an opportunity of determining whether the claims in question shall, or shall not, be submitted to the decision of the Arbitrators; and that any difference between the two Governments on this point may make the adjournment unproductive of any useful effect, and, after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which, it is to be presumed, both Governments would equally deplore, that of making this Arbitration wholly abortive. This being so, the Arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the Tribunal in making its award, even if there were no disagreement between the two Governments as to the competency of the Tribunal to decide thereon.

"With a view to the settlement of the other claims to the consideration of which by the Tribunal no exception has been taken on the part of Her Britannic Majesty's Government, the Arbitrators have thought it desirable to lay before the parties this expression of the views they have formed upon the question of public law involved, in order that after this declaration by the Tribunal it may be considered by the Government of the United States whether any course can be adopted respecting the first-mentioned claims which would relieve the Tribunal from the necessity of deciding upon the present application of Her Britannic Majesty's Government."—[*Ibid.*]

There will be some little difficulty for your Lordships in following a statement of this character, read for the first time; but I think it will strike your Lordships who have listened to it that in this declaration the Arbitrators avoid saying anything which might be objectionable to the Government of the United States or to the Government of Her Majesty. They do not assume jurisdiction, or propose now or hereafter to make any award or judicial deliverance. They make the principle of the Declaration extend not only to the disallowance, but to the exclusion from consideration of these Claims. They avoid, in the statement of their view, the use of language which could be cited hereafter as laying down any larger principle than that really involved in the immediate controversy, or which could be made use of in the progress of the Arbitration itself as to any of the other Claims, as implying anything in their favour. They did not throw in any way upon Her Majesty's Government the burden of taking the action which ought to follow upon the Declaration. After the President of the Tribunal had read the Declaration, he asked Lord Tenterden if he had anything to say. Lord Tenterden replied—"Nothing." He then asked the United States' Agent, who requested an adjournment, to enable him to communicate the Declaration to his Government and get instructions on it. The Tribunal adjourned until the 26th of June; but, as the American Agent received his instructions somewhat earlier than he had expected, the Chairman of the Arbitrators, Count Sclopis, convened a meeting for Tuesday last—the day before yesterday. At the meeting of the Tribunal on the 25th inst., the United States' Agent made the following statement:—

"The declaration made by the Tribunal, individually and collectively, respecting the claims presented by the United States for the award of the Tribunal for: 1st, the losses in the transfer of the American commercial marine to the British flag; 2ndly, the enhanced payments of insurance; and 3rdly, the prolongation of the war and the addition of a large sum to the cost of the war, and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved.

"The Agent of the United States is authorized to say that, consequently, the above mentioned claims will not be further insisted upon before the Tribunal by the United States, and may be excluded from all consideration in any award that may be made."—[*Ibid.*]

When the United States' Agent had made this statement, the British Agent said that he would inform his Government of the Declaration made by the Arbitrators on the 19th inst., and of the statement now made by the Agent of the United States, and request their instructions. The Tribunal then adjourned till Thursday (this day) at 11 A.M. At the meeting of the Tribunal to-day the British Agent read the following statement:—

"The Undersigned, Agent of Her Britannic Majesty, is authorized, by Her Majesty's Government, to state that Her Majesty's Government find in the communication on the part of the Arbitrators, recorded in the Protocol of their proceedings of the 19th instant, nothing to which they cannot assent, consistently with the view of the interpretation and effect of the Treaty of Washington hitherto maintained by them; and being informed of the statement made on the 25th instant by the Agent of the United States, that the several claims particularly mentioned in that statement will not be further insisted upon before the Tribunal by the United States, and may be excluded from all consideration in any award that may be made; and assuming that the Arbitrators will, upon such statement, think fit now to declare that the said several claims are, and from henceforth will be, wholly excluded from their consideration, and will embody such declaration in their Protocol of this day's proceedings; they have instructed the Undersigned, upon this being done, to request leave to withdraw the application made by him to the Tribunal on the 15th instant for such an adjournment as might enable a Supplementary Convention to be concluded and ratified between the High Contracting Parties; and to request leave to deliver the printed Argument, now in the hands of the Undersigned, which has been prepared on the part of Her Britannic Majesty's Government under the Vth Article of the Treaty, with reference to the other claims, to the consideration of which by the Tribunal no exception has been taken on the part of Her Majesty's Government."

I have only just received the concluding portion of these proceedings, to this effect, that—

"Mr. Bancroft Davis said, that he made no objection to the granting of the request made by Lord Tenterden, to be permitted to withdraw his application for an adjournment, and to file the Argument of Her Britannic Majesty's Government.

"Count Sclopis, on behalf of all the Arbitrators, then declared that the said several claims for indirect losses mentioned in the statement made by the Agent of the United States on the 25th instant, and referred to in the statement just made by the Agent of Her Britannic Majesty, are, and from henceforth will be, wholly excluded from the consideration of the Tribunal; and directed the Secretary to embody this declaration in the Protocol of this day's proceedings.

"He at the same time informed Lord Tenterden that the Tribunal assented to his request for leave to withdraw his application for a prolonged adjournment, and also to his request for leave to deliver the printed Argument which had been prepared on the part of Her Britannic Majesty's Government.

"Lord Tenterden then presented copies of the Argument in duplicate to each of the Arbitrators, and to the Agent of the United States."—[*Ibid.*]

Count Sclopis then read a paper about the importance of the functions of the Tribunal. The question of adjournment and further arguments by counsel is being considered. My Lords, I ask for no judgment on the statement which I have made—briefly, but with, I believe, complete accuracy. I thought it right to put your Lordships in possession as soon as possible of what has passed; and I cannot help expressing a hope that when the Papers are presented to your Lordships—which will be as soon as we have received the written Despatches—and when those Papers are fully considered, your Lordships will be of opinion that not only do they meet the views of Her Majesty's Government and of the American Government, but that they are perfectly consistent with the honour and interest of the two countries. And I trust, further, that they will afford some evidence that the friendly relations between these two great and kindred nations will prove to be so sound that not only will they maintain harmonious feeling when things go smoothly, but that they can also resist the shock of those differences of opinion which must occasionally arise between two countries so constantly in contact in so many ways and on so many subjects. My Lords, I beg to thank you for your kind attention.

LORD CAIRNS: My Lords, I am sure your Lordships will be glad to have heard at the earliest possible moment the document which the noble Earl has just read. So far as I have been able to gather their import, it would rather appear—speaking in simple language—that the result of the whole is, that the Arbitrators at Geneva have decided the particular and special point which I thought we had all agreed they should not be allowed to decide—namely, the scope and extent of the Treaty, and the question of what should properly come under their cognizance by virtue of that Treaty. As well as I can gather, the American Government have taken this decision of the Arbitrators on the Indirect Claims as a decision they have all along said they wished to be arrived at by the Arbitrators. I must congratulate your Lordships that, as things have turned out, that decision has been in favour of this country; but we should have been in a very awkward position if it had been the other way.

EARL GRANVILLE: My Lords, I do not wish to prolong the discussion; but I utterly deny that we should have been in any false position whatever by a spontaneous declaration of the Arbitrators, whatever might have been their decision.

LORD BUCKHURST: After the most important statement just made by the noble Earl, I will, with your Lordships' permission, withdraw my Notice on the Paper of this evening.

ARMY—THE PURCHASE AND THE SCIENTIFIC CORPS.

THE QUEEN'S ANSWER TO ADDRESS.

THE LORD STEWARD (The Earl of BESSBOROUGH) *reported* Her Majesty's Answer to the Address of this House, of the 18th instant, as follows:—

> "I have received your Address praying that a Commission may be issued to inquire into the alleged injustice towards the Captains of the late Purchase Corps, occasioned by their supposed supersession by the first captains of the Scientific Corps, and further to inquire whether the intended advancement of the first captains of the Royal Artillery and Engineers to the rank of field officers would have the effect of removing the slowness of promotion in those corps, and as to the best means of remedying the same, and that in the meantime, until the Report of the Commission, the publication of the Royal Warrant may be delayed."
>
> "I have been advised that the establishment in the Royal Artillery and Royal Engineers of the rank of major, already existing in the other branches of the service, having been decided upon, after full consideration, and provision having been made for carrying the arrangement into effect, the revocation or delay of that arrangement would be inexpedient."

THE EARL OF LONGFORD said, he thought this reply so unsatisfactory that he begged to move the adjournment of the House in order to give their Lordships an opportunity of expressing an opinion on the subject.

EARL GRANVILLE thought the noble Earl was hardly in order in taking so unusual a course on the occasion of an Answer by Her Majesty to an Address.

THE MARQUESS OF SALISBURY was of opinion that his noble Friend was quite in Order, and that there was no rule of the House to prevent such a course.

THE EARL OF LONGFORD submitted that he was quite in Order in making the Motion for adjournment. A Motion for inquiry had been carried as to the complaints of a certain class of officers with respect to promotion. They asserted that their interests had been seriously prejudiced by recent arrangements. It was clear that the case required further consideration. A Committee had recommended an inquiry, and Her Majesty's Government had advised the Queen not to grant a Commission. He should, therefore, persist in his Motion that the House do now adjourn.

Moved, "That the House do now adjourn."—(*The Earl of Longford.*)

THE MARQUESS OF LANSDOWNE said, nothing was further from his purpose than to express an opinion on the abstract question as to the circumstances under which it was or was not the duty of Her Majesty's Ministers to give effect to an Address of their Lordships' House; but he did say that if ever there was an occasion when a Government was justified in advising Her Majesty not to give effect to such an Address, it was in the present instance. The whole question of the position of the Scientific Corps had been debated for several years, and had been fully and fairly considered by the public and Parliament—so that there could be no allegation of surprise, or that what had been done had been done without consideration. For six years the subject had been under the consideration of successive Governments, and at the commencement of the present Session Notice of the intention of the Government with respect to it was given by the Secretary of State in his speech in moving the Army Estimates on the 22nd of February, in no ambiguous language; and on the 11th of March, when the Vote of the number of men was passed, the attention of the House of Commons was drawn to the matter, and the Secretary of State repeated again in language as unmistakable his intention to adhere to his plan. All this had given rise to expectations which, he thought, it would be extremely unwise to disappoint at the last moment. On the 31st of May the noble and gallant Lord (Lord Abinger), for the first time, called attention to the subject in their Lordships' House; and then, at the eleventh hour, when the Government was prepared to give effect to the intention of the War Department, the noble and gallant Lord brought it forward a second time. This was on the 18th of June, and on that occasion, after a discussion, a division was taken in a House of 83, and the Motion of the noble and gallant Lord for an Address to the Crown was carried by a majority of 3. He should have hesitated to call attention to the composition of that majority—indeed, he did not think he would have done so—but for a statement of a noble and gallant Lord to the effect that the Scientific Corps was too well represented in the War Department, THE EARL OF LONGFORD begged to interrupt the noble Marquess. He hoped the noble Earl who led that House would confine the noble Marquess to the question of adjournment.

THE MARQUESS OF LANSDOWNE could not but think he was in Order and perfectly justified in alluding to the composition of the majority after the reference that had been made to the supposed influence of the Scientific Corps at the War Department. If the Scientific Corps were too well represented at the War Office, how were they represented in their Lordships' House? It was not too much to say that they were almost unrepresented, while of the majority by which the Address had been carried in their Lordships' House, he found that 19 had been officers in the Guards or in the Line, 7 had brothers in the Guards, 5 had brothers in the Line, and 2 had near relations in the Guards—so that out of the whole number of 42, only 9 were unconnected with the Guards or the Line. Under these circumstances, and considering that the other House of Parliament had expressed its opinion on the subject in the most deliberate manner, and had made provision for enabling the Government to carry the plan of the Secretary for War into effect, he submitted that Her Majesty's Ministers had had no other course open to them than that of advising Her Majesty not to give effect to the Address of their Lordships' House.

THE DUKE OF RICHMOND: My Lords, this is one more illustration of the manner in which any claim for justice on the part of the Army is likely to be met by Her Majesty's present Ministers. I do not think that the noble Marquess (the Marquess of Lansdowne) has succeeded in making out any case to justify the conclusion at which the Ministers have arrived. I venture to repeat what I said on a former occasion—that the arguments used in support of the Address to the Crown proposed by my noble and gallant Friend were left wholly unanswered, and I am surprised, astonished, and grieved to hear the noble Marquess assert that the wishes of the majority of your Lordships ought not to have any weight given to them in a matter of this great importance. The noble Marquess has taken the trouble to analyze the division on that Motion, and has attributed motives to the noble Lords who composed the majority on that occasion. Now, if there be the smallest foundation in fact for the insinuation conveyed by the noble Marquess, I say that not one of those noble Lords to whom the noble Marquess so pointedly referred is worthy of a seat in this House. I assert that the noble Lords who had been officers in the Guards or in the Line were the most competent to deal with this subject. The noble Marquess, however, imputed to them having voted in a particular way through having either served in the Guards or the Line themselves, and through having relatives who have so served. My Lords, I am proud to think that I have relations in both those corps, and I deny that that fact should furnish any reason against the expression of my opinions upon this question when it arises. If the noble Marquess meant anything by his references to the connections of noble Lords, he must have meant that the noble Lords alluded to were actuated by interested motives in voting with the majority in favour of the Address to the Crown. If the noble Marquess did not mean to convey such an imputation he should not have mentioned the matter at all.

EARL GRANVILLE said, he saw no occasion for the introduction of any acrimonious tone into this debate, and should be careful himself to add nothing to it. He would venture to remind their Lordships of the advice given by the illustrious Duke the Commander-in-Chief on a former occasion—that nothing should be said or done which might be calculated to array the Guards and the Line on one side and the Scientific Corps on the other, in a question relating to the welfare of the Army. He was happy to acknowledge that during the greater portion of the debate on the Motion for the Address, the tone of moderation in which that Motion had been introduced by the noble and gallant Lord opposite (Lord Abinger) had been maintained by their Lordships; but he must say he thought it was a bold assumption on the part of the noble Duke opposite (the Duke of Richmond) to say that the arguments were all on one side, that being the side which the noble Duke himself advocated. Now those who took the other side held exactly the same thing with respect to their views. He did not mean to say who was right; but he thought the attack made on his noble Friend the Under Secretary for

War was a most unfair one. A noble and gallant Lord (the Earl of Longford) had stated that the Scientific Corps were very strongly represented at the War Office—the object of that assertion evidently being to lead their Lordships to the conclusion that in arriving at a conclusion on this question the War Department had been swayed by the Scientific Corps. In reply to such an argument, it was quite legitimate for his noble Friend (the Marquess of Lansdowne) to refer to the composition of the majority who voted in favour of the Address. He had not heard a single word from his noble Friend imputing unworthy motives to the other side; but when the noble Duke said it was monstrous to suppose that the views of noble Lords could be influenced in the slightest degree by their connection with the Army, or by their having relatives in the Guards and the Line, he must observe that, after all, human nature was human nature, and that *esprit de corps* not only existed but was very strong in the Army; and when a question like the one now before their Lordships was made the subject of discussion it was impossible that there should not be some bias imported into it. He was quite sure, however, that on reflection the noble Duke would be the last to suppose that the noble Marquess would charge any of their Lordships with being actuated by unworthy motives.

Lord SANDHURST said, he would not enter into any question as to the composition of the majority—he proposed to go into the character of the Motion itself, and to ask what was the question involved in the Motion. That question was twofold. The first question put to their Lordships was, not whether it was desirable to do away with the measure of the Secretary of State for War, but whether it was desirable to have an inquiry into the grievance which it was alleged would be suffered by between 500 and 600 officers. The second question proposed to their Lordships was, whether the objects which had been suggested by the Committees of 1867 and 1869 would be carried out by the plan of the Secretary for War. On both these points the greatest doubts had been expressed, and from Returns which had been referred to in their Lordships' House in proof of those grievances—so far as a superficial examination of them enabled him to judge, he was of opinion that they had been established. Seeing, then, that there was this difference of opinion, were they to be told by the noble Marquess the Under Secretary for War that they were actuated by interested motives in voting so moderate a demand—because he must accept the interpretation put on the remarks of the noble Marquess by the noble Duke opposite? If the noble Marquess had no intention of attributing motives to certain noble Lords when he said they had served or had relatives in the Guards or the Line—then he was at a loss to know the meaning of his words. Again, their Lordships had been told that this plan had been debated for six years. If any debate such as that referred to by the noble Marquess had been held, it must have been held behind the official curtain. The question of promotion—especially in reference to the Royal Engineers, was one demanding the most serious consideration, and Committees had sat and reported upon it; but he was not aware that the particular measure which now formed the subject of debate had been recommended by a Committee or had been put before their Lordships in a practical shape. So far as he knew, the other side of the question was never really stated until the other night. He had often heard the matter mentioned in private conversation, but he never recollected that the question as to whether or not this particular means of promotion in respect to the Ordnance Corps had ever been brought distinctly forward—certainly, he had never heard of the scheme till last February, and he was not now aware that this measure had ever been debated in public before that period. It had long been admitted that promotion in the Ordnance Corps should be guaranteed —that it should not be of a temporary or provisional character; but he did not think it had been intended that the promotion of the officers of the Artillery and the Engineers should interfere with that general flow of military promotion which had been the object of inquiry and consideration by the Committees.

Lord ABINGER said, he could quite understand that the decision of this question must be a matter which caused considerable trouble. The Artillery and the Engineers were strong and compact bodies, and they did surround the War Office with very great power — there could be no doubt of it—and he thought that they would eventually have to re-cede from the step they had taken. His main object in bringing forward the Motion for the Address was that the officers in the Army should have an opportunity of making their case known. He thought that the remarks which had been made by the noble Marquess (the Marquess of Lansdowne) reflected unjustly upon those who were connected with the Army, and who disclaimed any wish to do injustice to the rest of the Army. No doubt the majority of noble Lords upon his side of the House were connected with the Army, many of them being soldiers themselves; but so far from that being a ground for impugning the credit of the majority who voted for the Motion, it simply furnished a reason for supposing that they knew something of the matter they were talking about. If the majority were to be spoken of as they had been, then it might be retorted that the minority was composed mainly of the Members of the Government, or those who were under great personal obligations to them. On the other hand, the majority contained a number of noble Lords who sat on the Ministerial benches — indeed, if the noble Marquess looked into the matter, he would find that the majority had resulted from disaffection in the ranks on the Ministerial side. It was an inconsistent thing that the Government should take away the privileges of the Guards at the same time that they extended the privileges of the Ordnance Corps. The Artillery Corps was as much a privileged Corps as the Guards, and the latter thought it hard that their lieutenant and ensign privilege should be taken away —for it was granted in consequence of the gallantry displayed upon the field of Waterloo. Taking away this privilege would seem to imply that they never had any good title to possess it. Some years ago all the majors of the Artillery were made lieutenant-colonels, and now all the first captains were to be made majors. The Artillery officers would average 16 years' service before they were majors; but the noble Marquess (the Marquess of Ripon) had stated that the average length of service in the Line before a promotion to majority would be 18 years.

THE MARQUESS OF RIPON begged to interrupt the noble and gallant Lord. He had done nothing more than repeat the declaration of Mr. Cardwell. He had said nothing about the Artillery or the Engineers. What he had said was that it was thought right the promotion in the Line should be maintained at what was called the "standard rate."

LORD ABINGER said, that of 279 officers who would be superseded by the first captains of Artillery not one had less than 18 years' service. He thought, therefore, that, even in accordance with the pledge of the Government, a preference should be given to those 279 officers before the first captains of Artillery were promoted.

LORD ELLENBOROUGH said, that with the permission of their Lordships, having had the honour of serving Her Majesty in both Cavalry and Infantry of the Line, and commanding a regiment of the latter (Infantry of the Line), he was induced to address a few words to their Lordships. It appeared to him (Lord Ellenborough) that Her Majesty's Government had overlooked, if not ignored, the claims of the British regiments lately belonging to the late East India Company, now incorporated in Her Majesty's Army, as regiments of the Line — namely, the 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, and 109th British regiments, which contained several captains of 27 years' service, and one an infantry regiment of the Line (59th), a subaltern officer of 18 years' service. In conformity with what had fallen from the noble Lord behind him (Lord Abinger), he stated it was some source of heart-burning the rank held by captains and lieutenant-colonels of the Guards; but there was no such feeling in reference to the rank of ensign and lieutenant, as they were not brought much in contact with officers of the Line. With respect to the uncalled-for observations of the noble Marquess (the Marquess of Lansdowne) impugning the motives of noble Lords forming the majority who voted the Address, it sufficed to say that two of those noble Lords had commanded an Army—one, a noble and gallant Lord on this side of the House (Lord Strathnairn), and the other, the noble and gallant Lord opposite (Lord Sandhurst), at the present moment in command of the Army in Ireland, to show that there were grounds for inquiry, in respect to the promotion in the Artillery, in common with that of the Army at large.

Motion (by leave of the House) *withdrawn.*

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT (No. 2) BILL.

(*The Marquess of Lansdowne.*)

(NO. 172.) SECOND READING.

Order of the Day for the Second Reading read.

THE MARQUESS OF LANSDOWNE, in moving that the Bill be now read the second time, said, its object was to remedy certain defects in the Land Act of 1870, so far as related to the purchase by tenants of their holdings. The new regulations proposed by the Bill would enable a tenant to make application to the Board of Works for an advance after as well as before he had made his bargain for the purchase of his holding, and the Board might advance two-thirds of the value; when a tenant purchased his holding through the Landed Estates Court, that Court and not the Civil Bill Court was to charge the annuity payable in respect of the advance of the Board; and thirdly, the Board were authorized to make advances to the tenant on purchases effected through the Landed Estates Court; and fourthly, it was declared that the letting of portions of an agricultural holding for the purpose of building necessary cottages, with land not exceeding half an acre in each case, should not be a cause of forfeiture.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Lansdowne.*)

THE EARL OF BANDON said, the Act of 1870 was very difficult of comprehension, and would require many amendments before it could become clear. He would point out two or three doubtful points in the present measure. In future, if the landlord and tenant agreed upon the terms of the sale, and the Solicitor to the Board of Works was satisfied, it would be unnecessary for them to apply to the Landed Estates Court; but in that case the purchaser would not obtain a Parliamentary title to the land he bought. Again, under sub-section 4, a tenant was empowered to sublet a portion of his holding for labourers' cottages—a power that he was afraid would give rise to many abuses.

THE MARQUESS OF LANSDOWNE promised, on behalf of the Government, to consider both the suggestions of the noble Earl.

Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

CHURCH OF ENGLAND FIRE INSURANCE BILL—(No. 102.)—COMMITTEE.

(*The Lord Egerton.*)

Order of the Day for the House to be put in Committee, read.

THE EARL OF HARROWBY presented a Petition from the Church of England Assurance Institution, praying that the Bill be referred to a Select Committee. The Petitioners alleged that if the measure passed it would institute a monopoly in reference to insurance, and would be injurious to companies which had already started in the business. He hoped that their Lordships would reject the Bill.

LORD EGERTON moved, That the House do now resolve itself into a Committee on the said Bill.

LORD CAIRNS said, he could not but think that every Member of their Lordships' House was liable to some share of blame for having allowed this Bill to be read a second time without a protest. The Bill proposed to establish a compulsory system of insurance of all ecclesiastical buildings capable of being destroyed or injured by fire; it compelled all ecclesiastical persons in receipt of income from any see or benefice to insure the buildings attached to their benefices and to pay the premiums. Further, they must be insured in one particular Office, and not in any other:—so that this was, in fact, a Bill to take away all fire-insurance business in the case of ecclesiastical buildings from existing Offices. The new Office which was to enjoy so high a system of protection was to consist of the Governors of Queen Anne's Bounty, who were to have an entirely new set of duties cast upon them, because they were to become directors of a fire-insurance company—a business which they would find it very difficult to manage. Fire insurance was a trade which might result in profit or in loss, and if there should be loss on their fire-insurance business the Governors were to be "at liberty to employ any funds in their hands for the purposes of this Act:"—that was to say, they were to pay these losses out of Queen Anne's Bounty Fund. It was quite possible that the whole of the Fund might be swept away. Further, the Bill provided that there need be no policies, but the fact of insurance was to be entered on a register specially provided by the Governors—so that no stamp would be required.

LORD EGERTON said, that as to the noble and learned Lord's objection that the Governors of Queen Anne's Bounty might exhaust that Fund in paying losses on their fire-insurance business, everyone knew that the premiums were always paid in advance, and that therefore there were always funds in hand: so that the chance of coming upon the Fund at all, much more of exhausting it, was very remote. It was only to be expected that the existing Insurance Offices would object to the Bill; but representations had been previously made to those Offices that they should insure that class of buildings at lower premiums than were charged in other cases, in consideration of the smaller risks to which they were generally exposed:—for the insurance of those buildings had formed a most profitable part of the business of the Insurance Companies:—and it was only after their refusal to accept that offer, and at the earnest request of the clergy of the Church of England in Convocation assembled, that this Bill had been brought forward. The promoters of the Bill were fortified by the authority of eminent actuaries and other experienced persons, and the Regulations to be framed by the Governors for the purpose of carrying on this business were to be approved by the Lords of the Treasury and published in *The London Gazette.* The Governors were, moreover, to keep separate accounts, and lay before Parliament annually a report and balance-sheet. The Governors were, further, to frame every three years a scheme for the application of any profits arising from their insurances, which was to be laid before Parliament before acted upon. Most probably the application would be to the reduction of premiums.

THE ARCHBISHOP OF YORK, in opposing the Bill, pointed out that, under the 6th clause of the Bill, the principle of compulsory insurance was extended not only to the clergy, but to all the laity who held Church leases.

THE EARL OF KIMBERLEY was understood to say that he could not see on what ground Queen Anne's Bounty should be made liable for possible losses in connection with fire insurance transactions.

LORD DINEVOR said, that the Bill was compulsory, and the clergy were bound to insure: but, unfortunately, many of the clergy had very small incomes, and they ought not in all cases to be required to insure to the full amount of the value of their houses. On the other hand, he did not think it would be quite fair to the Insurance Companies to establish the proposed monopoly, nor could he exactly see why those Companies should have been expected to insure a rectory at a cheaper rate than a layman's house.

THE DUKE OF RICHMOND urged his noble Friend not to press his Motion to a division, for he thought the Bill was one which the House ought not to sanction. His noble Friend had stated as one of the reasons for the Bill that the clergy were extremely anxious that such a measure as this should become law; but he had omitted to tell their Lordships what the reasons were which had actuated the clergy in desiring that such an arrangement should be made. He had also spoken of the advantage it would be to the poorer clergy; but he (the Duke of Richmond) could not see how that advantage would arise, because the clergy would not be able to insure at much less than at present. The clergyman would be able to insure his house on exactly the same terms with the Sun and other Offices as with Queen Anne's Bounty. It would be wrong to compel the clergyman to insure with any Office against his desire, but should be at liberty to go to any Office from which he could obtain the best terms.

THE BISHOP OF WINCHESTER said, there was some misunderstanding in the minds of some of their Lordships as to the objects of the Bill. A noble and reverend Lord (Lord Dinevor) had spoken as if the Bill for the first time made it compulsory on the clergy to insure. But it was not the present Bill, but the Dilapidation Bill of last year, which introduced the obligation on a clergyman to insure his house. Insurance was therefore compulsory already. Parliament had put upon the body of the clergy, many of whom were poor, a liability in that respect which rested on no other persons in the land, their houses being regarded in a certain sense as public property.

Yet these persons were compelled to lay out their own funds in insuring them against fire. Under those circumstances, the Governors of Queen Anne's Bounty were strongly urged by the Lower House of the Convocation of Canterbury to invent a mode by which the new pressure thus occasioned to the clergy might be in some degree lightened. With this view the Governors were ready to undertake this business of fire insurance in the hope that they might be able considerably to reduce the charges now made for insurance, and also out of their profits to aid the poorer clergy in other respects. The money saved would go, therefore, first to diminish the cost of insuring; and, secondly, to the directly eleemosynary purposes of the Bounty Fund. The whole peculiarity of this Bill was that it required those insurances to be effected with the Governors, and not in any other Office; and the question was whether there was a sufficient reason for such exceptional legislation. It had been thought that Parliament having enforced the peculiar liability, might be expected to give a peculiar benefit as its correlative. Experience proved, on a very large inquiry, that the houses of the clergy were far less exposed to the risk of fire than the ordinary insurances taken by the Companies; and insurance being now for the first time made obligatory upon the clergy, it had been supposed that the existing Companies might consider whether they would not insure that particular description of buildings at a cheaper rate, but they had declined. The best possible advice had been taken on the subject, and this advice amounted to an assurance that a certain gain of several thousands a-year might be made for the benefit of the poorer clergy, and that the Board might undertake the duty without the smallest risk to the Bounty Fund. The question as to whether the leases of Church property should be included was a question of detail, which with other similar matters might be fairly dismissed from consideration for the present.

The Earl of HARROWBY stated that the Company whose Petition he had presented against the Bill made an allowance of 10 per cent on the premiums paid by clergymen.

The Marquess of BATH said, if the Bill were rejected, a serious injury would be done to the poorer clergy. The only persons who could have the slightest interest in opposing the Bill were the Insurance Companies, whose profit, as far as it arose from policies issued to clergymen, would be taken away and divided among the clergy themselves—who, in fact, would become their own insurers. It was well known that it paid a man to become his own insurer if his property was sufficiently large. It was bad policy for a large landed proprietor to insure his farm buildings; why, then, should not the clergy, on the same principle, combine to insure themselves?

Lord CAIRNS moved that the House go into Committee on the Bill this day three months.

Amendment moved, to leave out ("now,") and insert ("this day three months.")—(*The Lord Cairns.*)

Earl BEAUCHAMP suggested, as an alternative course, that the Bill be referred to a Select Committee.

The LORD CHANCELLOR confessed that, on the first aspect, the Bill had been unpalatable to him, and he had considered what could possibly be the view which could induce the promoters to bring forward a Bill which, on its first aspect, appeared so unreasonable. It was unreasonable that there should be compulsory insurance at all; it seemed unreasonable that there should be compulsory insurance with a particular body; and it appeared unreasonable to expose a body like the Governors of Queen Anne's Bounty to the risks of this business. But, on the other hand, it appeared that the clergy having been placed under an obligation to insure would be placed in a difficult position. In the first place, they would naturally seek the offices which took the lowest premiums, and therefore offered the worst security. Under these circumstances, it seemed reasonable that they should have means of insuring with perfect safety at a low rate. The Governors of Queen Anne's Bounty would offer that perfect security, and they would in regard to this matter have only one object—to give the clergy the full benefit of the system, without profit to themselves. Rather than that the Bill should be lost, he would support the proposal to refer it to a Select Committee.

On Question, That ("now") stand part of the Motion? their Lordships *divided*:—Contents 16; Not-Contents 14: Majority 2.

Resolved in the *Affirmative:* House in Committee accordingly; Bill *reported*, without Amendment; Amendments made; and Bill *referred* to a Select Committee.

And, on Tuesday, July 2, the Lords following were named of the Committee:—

L. Abp. York.
M. Salisbury.
M. Bath.
E. Belmore.
E. Chichester.
E. Powis.
E. Nelson.
E. Harrowby.
L. Bp. London.
L. Bp. Manchester.
L. Dinevor.
L. Portman.
L. Stanley of Alderley.
L. Egerton.
L. Penrhyn.

ROYAL MILITARY ACADEMY, WOOLWICH.

ADDRESS FOR CORRESPONDENCE.

LORD REDESDALE, in moving that an humble Address be presented to Her Majesty for Copy of Correspondence between Lord Redesdale, as President of Cheltenham College, and the Secretary of State for the War Department in relation to the times appointed for the examinations for admission to the Royal Military Academy, Woolwich, said, that his reason for moving for the production of this Correspondence was that it had been complained the examinations were so fixed that boys desirous of passing them had to prepare for them during their holidays. He hoped that some satisfactory arrangement might be arrived at?

THE EARL OF CAMPERDOWN said, that the desire of the Government to meet the convenience of the public schools as far as possible was expressed in the correspondence to which the noble Lord referred, and to the production of which there was no objection on the part of Her Majesty's Government.

Motion *agreed to.*

NAVY—GUNNERY EXPERIMENTS—H.M.S. "HOTSPUR" AND "GLATTON."

QUESTION.

LORD ELPHINSTONE asked, Whether, during the forthcoming trials at Portland, it is proposed to test the effect of a shot striking the pilot tower? His object was that it should be ascertained whether the human frame could stand the shock of the concussion such as the *Glatton* was about to be subjected to.

THE EARL OF CAMPERDOWN said, the sole object of the trials about to be made at Portland was to ascertain whether the turret of the *Glatton* would become jammed, and so be prevented revolving, by being struck with a 600 lb shot fired from the *Hotspur* at a range of 200 yards. It was not intended to make a general test of the ship's vulnerable points, and therefore the experiment desiderated by his noble Friend could not be tried on the present occasion.

LORD ELPHINSTONE expressed a hope that the important experiment to which his Question referred would be tried at the earliest possible opportunity.

REGISTRATION OF BIRTHS AND DEATHS BILL [H.L.]

A Bill to amend the Law relating to the Registration of Births and Deaths in England—Was *presented* by The Earl of MORLEY; read 1ª. (No. 179.)

BOUNDARIES OF COUNTIES (IRELAND) BILL [H.L.]

A Bill to amend the Law relating to the defining of Boundaries of Counties and other divisions and denominations of Land in Ireland—Was *presented* by The Marquess of LANSDOWNE; read 1ª. (No. 180.)

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 27th June, 1872.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee*—*Ordered*—*First Reading*—Merchant Shipping and Passenger Acts Amendment* [216].

Second Reading—Metropolitan Police Superannuation* [207]; Custody of Infants* [93], *debate adjourned;* Baptismal Fees* [209].

Second Reading—Referred to Select Committee—Victoria Park* [201].

Committee—Mines (Coal) Regulation (*re-comm.*) [150]—R.P.

Committee—Report—Public Health* [48-215]; Colonial Governors Pensions [176].

Third Reading—Education (Scotland) [210]; Drainage and Improvement of Lands (Ireland) Acts Amendment* [202], and *passed.*

Withdrawn—East India (Bengal, &c.) Annuity Funds* [182].

PATENT LAWS COMMISSION.

QUESTION.

Mr. BOWRING asked the First Lord of the Treasury, Whether Her Majesty's Government will be prepared to take early steps for giving effect to any of the recommendations of the Select Committee on Letters Patent, especially those which relate to the addition of non-official members to the present ex-officio Commissioners of Patents, as contemplated by the Patent Law Amendment Act of 1852, and now unanimously recommended by the Select Committee?

Mr. GLADSTONE: The Lord Chancellor has had an interview on this subject with the Chairman and two other Members of the Select Committee. He has informed me that he has undertaken to call together the existing Commissioners of Patents for consultation with him, and he will then be able to decide upon the expediency of appointing an additional number of members.

ARMY—ROYAL MILITARY HOSPITAL, DUBLIN.—QUESTION.

Mr. MITCHELL HENRY asked the Secretary of State for War, Whether his attention has been directed to the conviction of Charles Hammond and William Bailey, two of the attendants of the lunatic wards of the Royal Military Hospital, Dublin, of the manslaughter of a patient under shocking circumstances; and, whether, having regard to the opinion of the Jury, that too much is left to the charge of subordinates, he will arrange for an inquiry to be made by the Commissioners of Lunacy into the management of the Hospital?

Mr. CARDWELL: The attention of the authorities has been drawn to this unhappy case, which occurred in the lunatic ward of the Military Hospital at Dublin. The two staff surgeons in immediate charge of the hospital and of the lunatic ward, and the non-commissioned officers concerned, will be removed, and His Royal Highness the Field Marshal Commanding-in-Chief has called upon the General Officer Commanding in Ireland to place the establishment on a better footing in respect of supervision and discipline. The ward is a place of observation for a short time, and confirmed lunatics are removed. The remedy, therefore, which the Question suggests is not the one suited to the case.

WATER SUPPLY (METROPOLIS)—DEARTH OF WATER IN BERMONDSEY.

QUESTIONS.

Mr. KAY-SHUTTLEWORTH asked the President of the Board of Trade, What information he has obtained as to the dearth of water in a large district of London, Bermondsey, supplied by one of the Metropolitan Water Companies; and, what steps are being taken by the Board of Trade and by the Water Company to avert the dangers to health which would result from a continued deficiency in the water supply?

Mr. CHICHESTER FORTESCUE said, that the first intimation which the Board of Trade received of the deficiency of water in Bermondsey was from the report of the proceedings of the Vestry in the public Press. The Board of Trade immediately wrote to the vestry clerk, and on ascertaining that the report was correct he would have sent the same day an Inspector to inquire if he had the power to do so. He found, however, that under the Metropolis Water Act of last year, as it came from the Select Committee, he had power to appoint an Inspector to make inquiries as to the quality, but not as to the quantity, of water. In this case there was no question of quality, because there was no water at all. He therefore fell back upon a previous Act, under which the Board of Trade had power to inquire into the quality and quantity of water, not *proprio motu*, but upon the requisition of the ratepayers. They informed the Vestry of that fact at once, and, having received the requisite authority, they sent an Inspector, who was making inquiries that day, and he (Mr. Fortescue) hoped to be able to give a full answer to his hon. Friend's Question to-morrow.

Afterwards—

Mr. KAY-SHUTTLEWORTH asked the President of the Local Government Board, What powers the Board possesses of seeing that the necessary precautions are taken by the sanitary authorities of Bermondsey and Rotherhithe to prevent the use, during the present dearth of water-supply, of water from surface wells and other dangerous sources; if the Local Government Board have not such powers, whether any Department is charged with such powers; and, further, whether any Department is responsible for seeing that the local authorities in London perform their duties in the protection of the public health?

Mr. STANSFELD said, that neither the Local Government Board nor any other Government Department had, as far as he was aware, the power to prevent the use of water from surface wells or other dangerous sources either in the metropolis or elsewhere. With regard to the last part of the Question, no Government Department was authorized to exercise any general supervision over the sanitary authorities in the metropolis; but under the Act of 1858 the Secretary of State might, on complaint, direct that proceedings should be taken for the abatement of nuisances committed by the local authorities in the execution of any works or in the disposal of sewage.

ARMY REGULATION ACT—AID TO THE CIVIL POWER.—QUESTION.

Mr. NEVILLE-GRENVILLE asked the Secretary of State for War, What local authorities may now apply to the Secretary of State for any Military force to aid the Civil Power; and, by whom can the Yeomanry Cavalry be called out to aid the civil power?

Mr. CARDWELL: First, the Sheriff, or any magistrate, may apply to the Secretary of State; secondly, by the Act of 1804, 44 *Geo.* III., c. 54, s. 23, the Yeomanry may voluntarily march on being called upon in pursuance of any order from the Lieutenant or Sheriff of the county. The Act of last Session has transferred to the Secretary of State the powers of the Lord Lieutenant, but has not interfered with those of the Sheriff.

SANITARY REGULATIONS—CARCASES OF ANIMALS.—QUESTION.

Mr. C. S. READ asked the Vice President of the Council, If there is any power under the Contagious Diseases (Animals) Act, or under any existing Order in Council, to prevent the carcases of animals which have died of disease being thrown into the sea or into tidal rivers; and, if no such power exists, whether he will issue such an Order as will make such a practice a punishable offence; and, whether the local authority of any district has the power to order the burial of any animal which has died of foot and mouth disease, or to prevent the carcases of such animals being thrown into inland rivers?

Mr. W. E. FORSTER, in reply, said, that as to animals thrown into the sea arrangements had existed for the last seven years by which all carcases washed on shore were buried by the officers of the Board of Trade at the expense of the Veterinary Department. This expense in 1871 was about £147. As to issuing an Order for preventing the carcases of animals from being thrown into the sea, he doubted whether it would be of much advantage, because it was exceedingly difficult to prove who had thrown the animals overboard. He had no reason to believe that diseased animals were thrown overboard, though no doubt the carcases of animals which had died from suffocation or exhaustion were so disposed of. Whenever a vessel arrived an Inspector of the Veterinary Department made a return, showing the number of animals taken on board, the number alive, and the number dead. In the quarter ending March in this year 14 cattle and 564 sheep had been thrown overboard. The local authorities had no power to order the burial of any animal which had died of foot and mouth disease; but if cattle were proved to be unfit for food they might be dealt with under the provisions of the Nuisances' Removal Act. In considering the question of an Order with respect to throwing animals overboard at sea, they should also consider the question with regard to tidal and inland rivers.

ARMY—THE 9th LANCERS—CASE OF LIEUTENANT TRIBE.—QUESTION.

Mr. CALLAN asked the Secretary of State for War, Whether Lieutenant Tribe, of the 9th Lancers, is still excluded from the society of his brother officers; and, if so, what steps it is proposed to take to give effect to the decision of His Royal Highness Commanding-in-Chief, in the matter of the late inquiry into the alleged charges against that officer?

Mr. CARDWELL: A further complaint from Sub-Lieutenant Tribe's "friend," Dr. Tomkins, has been addressed to me, and, being a matter of discipline, has been placed under the consideration of the Duke of Cambridge, who has determined to institute an inquiry into all the circumstances of the case by officers of the Staff at head-quarters.

RUSSIA — MURDERS OF ENGLISHMEN IN THE CAUCASUS.—QUESTION.

Mr. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether any communications have been made to the Russian Government respecting the recent murders of Englishmen in the Caucasus?

Viscount ENFIELD: The case of Colonel Roundell, who was travelling from India to England *viâ* Persia and the Caucasus, and who has not been heard of since the 19th of September last, when he was supposed to be on the road between Erivan and Tiflis, has been diligently inquired into by the Governor of Elizabetopol, in the Caucasus, and the Grand Duke has given orders for every possible search to be made. Lord Augustus Loftus has also been instructed to ask for a continuance of the inquiries which the authorities in the Caucasus have already undertaken with readiness and zeal. In the case of Mr. Swinson, a civil engineer, who was murdered and robbed near the town of Poti in December last, instructions were sent by telegraph to Her Majesty's *Chargé d'Affaires* at St. Petersburg to request the Russian Government to make the necessary judicial inquiries. This was promptly done. Mr. Swinson's servant was arrested on suspicion; a searching investigation was made, but no proofs could be substantiated as to his guilt; and up to the present the police have not been able to discover any clue to the real assassin or assassins.

SCOTLAND — REGISTER OF SASINES, EDINBURGH.—QUESTION.

Mr. GRIEVE asked the Secretary to the Treasury, If his attention has been drawn to the amount of the Fees charged by the Keeper of the Register of Sasines at Edinburgh, and to the fact that the gross amount levied is about double of what is required to maintain the office; and if the Treasury will take immediate steps to reduce the fees to such an amount as will defray the expenses, and no more; whether he will consider if the whole expenses should not be defrayed by the Treasury; and, whether he is aware that the printed Abstract of Sasines had only been sent to the sheriff clerk of Renfrewshire up to the end of 1864; and requesting his attention to Copies being regularly furnished up to the end of each current year; and that Index of Names at the Register Office should be copied and sent to the Counties, as well as Abstracts?

Mr. BAXTER: In reply to my hon. Friend, I have to repeat what I stated the other night in Committee of Supply, when questioned on the subject by my hon. Friend the Member for Lanarkshire (Sir Edward Colebrooke), that directions had been sent to the Lord Clerk Register to prepare a scale of fees so reduced as merely to cover the expenses of the office. That has been done in accordance with the provisions of the Land Writs Registration Act; but there is no intention of making any further alteration which would involve a loss to the State. I am not aware of the circumstances referred to in the latter part of my hon. Friend's Question, but have written to Scotland for information.

INDIA—BANK OF BENGAL.—QUESTION.

Mr. M'ARTHUR asked the Under Secretary of State for India, Whether the Government of India have taken the necessary steps to prevent the Bank of Bengal from again engaging in dealings in Sterling Exchange, in violation of the terms of its Charter?

Mr. GRANT DUFF: The Secretary of State in Council has not yet received full accounts of the irregular dealings on the part of the Bank to which the Question of my hon. Friend alludes; but, whatever they were, I can assure my hon. Friend that the Viceroy has adopted measures to prevent their recurrence.

ARMY—THE AUXILIARY FORCES—THE NEW REGULATIONS.—QUESTION.

Colonel C. LINDSAY asked the Secretary of State for War, When the Regulations for the future guidance of the Auxiliary Forces will be issued, and on what day they will take effect?

Mr. CARDWELL: As I promised on Monday, the case of the surgeons will be re-considered. It never was intended to apply the new Regulations in any case in which the corps had not had due notice of them. Every commanding officer and every adjutant had a copy sent to him in the beginning of the present month, and inspecting officers have received instructions not to apply the article with regard to inspections to any corps inspected before the 6th of July.

IRELAND—GALWAY ELECTION INQUIRY —MR. JUSTICE KEOGH.—QUESTIONS.

Mr. CALLAN asked, Whether the right hon. Gentleman at the head of the Government will be prepared to allow precedence over the Government Orders of the Day to the Motion on the subject of the Galway Election Inquiry which has been fixed for Monday, July 8?

Mr. GLADSTONE: I cannot state that on the particular evening, or for the particular Motion to which the hon. Gentleman has referred, we shall be prepared to propose that Government Orders of the Day be put aside. I am aware of the great importance of the subject, and the Government have already signified that we shall think it our duty to facilitate the discussion of that subject when the proper time arrives. But until further progress has been made with the production of the evidence, and some reasonable time has been allowed for the consideration of the whole or the principal part of that evidence, we do not think it would be desirable to ask or invite the House to enter upon the discussion in question. I hope the House will quite understand that my answer does not imply any disposition to obstruct the due discussion of the question at the proper time. Under the circumstances, as there are Motions on the Paper for to-morrow standing in the names of my right hon. Friend (Mr. Horsman) and the hon. Member for Tralee (The O'Donoghue) I may venture to express a wish that they will not be pressed at a time when I think they would be premature.

Colonel WILSON-PATTEN said, the Motion which stood for Monday week was of a much more serious character than the Motions which stood for to-morrow. It declared that Mr. Justice Keogh had abused his position as a Judge of Election Petitions by delivering a violent partizan speech, thereby creating great scandal and shaking the confidence of the people in the administration of justice, and that by reason of such misconduct his position on the Bench had become inconsistent with the interests of the public and the honour of the Crown. He wished to know whether his right hon. Friend was using his influence to get this as well as the other Motions postponed till the evidence was printed?

Mr. GLADSTONE said, that on July 8 the Government had the control of Business in their own hands. As to the other two Motions, he had made a request which he hoped would be acceded to.

Mr. HORSMAN said, his Motion had no reference to the evidence, nor should he refer to it. But he had found that, however he might limit his remarks, it would be impossible to prevent other Members from referring to the evidence. He thought the most convenient course would be for him to drop his Notice altogether, and leave the question to be discussed on the Motion of the hon. Member for Tralee (The O'Donoghue).

The O'DONOGHUE said, he had no intention of withdrawing his Motion. But felt that it would be more convenient to postpone it until the voluminous evidence was in the hands of Members.

Sir JOHN GRAY asked whether, as the right hon. Gentleman would not postpone the Orders of the Day on Monday week, he would fix some day on which this question might be brought on?

Mr. GLADSTONE replied that if it was not in the power of any Member to find a convenient time for the discussion the Government would take care to provide a day.

The O'DONOGHUE wished to know whether the facilities which the right hon. Gentleman spoke of giving with regard to the Galway judgment had any special reference to the Motion of the hon. Member for Limerick (Mr Butt)?

Mr. GLADSTONE said, his answer had reference to no special Notice of Motion on the Paper, but to the subject generally.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

OBSERVATIONS.

Mr. GLADSTONE: What I am about to say has reference to the course of Business for to-morrow. It may be for the convenience of the House that I should describe in a few words the course we propose to adopt with regard to the Ballot Bill when the House meets at 9 o'clock. That time has been fixed for taking the Bill into consideration in consequence of an intimation which we have received from several hon. Gentleman opposite that it would be inconvenient if it should be taken on Monday. It is not, I believe, in accordance with the usages of the House, that in cases where Amendments on a Bill are made, and there arises a discussion upon those Amendments, as between the two Houses of Parliament, notice should be given by the Member in charge of the Bill of the exact course which he proposes to adopt with respect to each of those Amendments, many of which may be merely verbal. But in this case the Amendments are both numerous and very important. I therefore propose to state generally the intentions of the Government with respect to them. We look upon those Amendments as having the most important and vital effect, considered as a whole, on the character of the Bill; and it will be, generally speaking, our duty to advise the House to disagree from those Amendments. I have said "generally speaking;" and, perhaps, I had better explain our intentions as to the main particulars. We could not accept those Amendments as they stand; indeed, we should think it our duty rather to go to the extent of sacrificing the Bill. But before proceeding to examine the Amendments which we cannot accept, I would briefly advert to those changes made in the Bill in the other House which may be either beneficial or allowable, and which changes are, in our opinion, so far allowable as to be less evil, less mischievous, than the loss of the Bill or the postponement of the subject to be dealt with by subsequent measures, whatever they may be. An important question which we have had to consider in this view is the question of a scrutiny; and, although we have for ourselves come to the conclusion that, on the whole, the Legislature would have done better to exclude a scrutiny from the Bill, yet, the House of Lords having introduced it, we feel bound to say that we do not wish to join issue with them with respect to a scrutiny on principle. The particular form of the scrutiny, however, as it now appears on the Bill, seems to us to be so objectionable in connection with the conditions attached to it that we think it will hardly bear discussion in detail. I, of course, make no assumption on that beyond saying that we shall propose to the House by way of Amendment of the Lords' Amendment, that we should adopt a scrutiny, but on the basis generally of that which was embodied in the Bill of 1870 by my noble Friend the Chief Secretary for Ireland for the purpose of establishing a system of secret voting. That will be the course which we shall take with regard to the question of a scrutiny. The House of Lords have also struck out of the Bill a provision which was adopted, with the very general concurrence of the House, that school buildings throughout the country should be used as polling-places. We shall, although with some reluctance, propose to defer to the judgment of the Lords in that matter. With respect to the alterations of the hours of polling made by the House of Lords, though I regret that alteration, yet we shall submit to the judgment of the House whether we might not concur in it as it now stands. Those points which we cannot agree to, and which we regard, some if taken alone, and certainly in their collective effect, as essentially altering the character of the Bill, are—first, what is called the optional Ballot; secondly, the permission to get and give information in the polling booths as to the votes; thirdly, the removal of the necessity, on the part of what is called the illiterate voter, to make a declaration before a magistrate; and, fourthly, the provision that the Bill shall be considered to be a temporary Act. Those are the principal points. Of course, I do not enter into any argument as to the propriety of one course or another; the House will be kind enough to consider this as a general sketch and outline which will enable it to form an idea of the course we intend to take.

SIR MICHAEL HICKS-BEACH wished to know whether the right hon. Gentleman would place on the Notice Paper the Amendments which he proposed to make in the Bill?

MR. GLADSTONE: To do so would, I believe, be a departure from usage; but the hon. Baronet will, I think, find no inconvenience resulting from the established usage, because in a very important particular—that relating to a scrutiny—we shall follow the form laid down in a Bill of my noble Friend the Chief Secretary for Ireland in 1870.

TREATY OF WASHINGTON.

TRIBUNAL OF ARBITRATION (GENEVA).

THE INDIRECT CLAIMS.

PROCEEDINGS BEFORE THE ARBITRATORS.

OBSERVATIONS.

MR. GLADSTONE: Sir, perhaps the time has arrived when I may venture to say that we have determined to-day that we should be justified, in the existing state of circumstances, in giving a short statement to the House which would place the House in possession, if not fully, yet accurately, as to all the main particulars as to the negotiations at Geneva, with regard to which naturally the greatest interest prevails. Sir, in what I have to say—as I am desirous to be beyond all things accurate, and to avoid everything that could be in the nature of discussion—I shall confine myself, in all material points, to reading extracts from documents. These documents constitute, for the most part, the substance of telegraphic communications that have passed between the parties to the Arbitration at Geneva. They will be laid upon the Table of the House *in extenso* so soon as the documents themselves will have arrived from Geneva by post — I mean the latest of them. At present we are only in possession of a portion of them. But as it would be wearisome, and serve to distract the attention of the House rather than to concentrate to it, if I were to read the whole of them, I will, with the permission of the House, read what I think are the material parts, and what will be sufficient to convey a clear general outline of the proceedings that have taken place at Geneva. The House will see that, in our making this communication, we give some earnest of our desire to place Parliament in possession, at the earliest possible moment, of the effect of those proceedings, when I mention to it that I have only had placed in my hands within the last few minutes a telegram which gives the account of the meeting at Geneva to-day, and that I have not actually received the conclusion of that telegram, although I believe I have received the conclusion of the material part of it—namely, that which relates to the question of the Indirect Claims. Sir, upon the 15th of June, as the House is aware, the Arbitrators met at Geneva, and the Agent of the United States, in conformity with the Fifth Article of the Treaty, presented an argument, showing the points and referring to the evidence upon which his Government relied. The agent of the British Government, on the other hand, put in a declaration stating that in the view of the British Government, it was desirable that further time should be afforded for the purpose of considering and carrying, as we hoped, to a favourable issue, the communications which had been going on between the two Governments with a view to the conclusion of a Supplemental Article, and time being on that account, in our view, desirable, as the only means at our command which offered for the solution of the still subsisting difficulties, the British Agent used the following language:—

> "Under these circumstances, the course which Her Majesty's Government would respectfully request the Tribunal to take, is to adjourn the present meeting for such a period as may enable a Supplementary Convention to be still concluded and ratified by the High Contracting Parties."

The period of that adjournment was indicated, as has been stated before in this House, with reference to the probable period when both the Congress and Parliament would be sitting; but that was not made an essential condition of the request for adjournment. The Agent of the United States stated that he could not say what would be the views of his Government upon this motion until he should know the time for which the adjournment was asked; and upon knowing that period he said his instructions did not enable him to state to the Arbitrators the views of the Government of the United States upon this motion in full, and he asked for an adjournment until Monday, the 17th. On Monday, the 17th, the Agent of the United States was still not in possession of the views of his Government, and he obtained a further adjournment of the Tribunal until Wednesday, June the 19th. On the 19th of June the Arbitrators made a statement, the material parts of which I will read to the House, as, in fact, the statement contains the gist of the whole matter. I will not read the whole of it, but only the material parts—

> "The Arbitrators wish it to be understood that, in the observations they are about to make, they have in view solely the application of the Agent of Her Britannic Majesty's Government, which is

now before them, for an adjournment, which might be prolonged until the month of February in next year."

They proceed to state subsequently, with reference to this application—

> "The Arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two Governments, as to the interpretation or effect of the Treaty."

They then refer to certain considerations of possible inconvenience, or want of effect, that might arise if the Motion for Adjournment were adopted, and they go on to say—

> "This being so, the Arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, any good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the Tribunal in making its award, if there were no disagreement between the two Governments, as to the competency of the Tribunal to decide thereon."

That "if" I understand to mean "even if." I think I have already read the words—

> "The Arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two Governments, as to the interpretation or effect of the Treaty."

This declaration having been made by the Arbitrators of their own motion, the President of the Tribunal, having read the declaration, asked the British Agent if he had anything to say, and he replied—"Nothing." He then asked the United States Agent a similar question, and the United States Agent requested an adjournment—this was on Wednesday in last week—in order to enable him to communicate with his Government. The United States Agent received the reply of his Government in time for the Tribunal to be re-assembled on Tuesday, the 25th, instead of Wednesday, the 26th. On the 25th, at the meeting of the Tribunal, the United States Agent made the following statement, which is not very long, and which I had better, perhaps, read in its entirety:—

> "The declaration made by the Tribunal, individually and collectively, respecting the claims presented by the United States for the award of the Tribunal for: 1st, the losses in the transfer of the American commercial marine to the British flag; 2ndly, the enhanced payments of insurance; and 3rdly, the prolongation of the war and the addition of a large sum to the cost of the war, and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved. The Agent of the United States is authorized to say that, consequently, the above mentioned claims will not be further insisted upon before the Tribunal by the United States, and may be excluded from all consideration in any award that may be made."

Upon the submission of this declaration by the Agent of the United States, the British Agent said that he would inform his Government of the declaration made by the Arbitrators on the 19th instant, and of the statement now made by the Agent of the United States, and request their instructions. Then, Sir, the Tribunal adjourned, in order to enable the British Agent to make a reference home, and it has met this day, I believe, at 12 o'clock. I am not sure that I can give to the House a perfectly accurate verbal account of what occurred in reference to the meeting of this day, because I have not had time to examine fully the latest portion of the telegraphic despatch which has arrived; but I will state, first of all, the character of the instructions which the British Government sent to their Agent. We stated—

> "We find in the communication on the part of the Arbitrators, recorded in the Protocol of their proceedings of the 19th instant, nothing to which we cannot assent, consistently with the view of the interpretation and effect of the Treaty of Washington hitherto maintained by us; and being informed of the statement made on the 25th instant by the Agent of the United States, that the several claims particularly mentioned in that statement will not be further insisted on, and may be excluded from all consideration in any award that may be made,"

we then proceeded, not to request, but to assume that this declaration would be constituted a formal portion of the proceedings, and we said that upon this being done our Agent is desired

> "To request leave to withdraw the application made by him to the Tribunal on the 15th instant for such an adjournment as might enable a Supplementary Convention to be concluded, and ratified between the High Contracting Parties; and to request leave to deliver the printed argument, now in the hands of the British Agent, which has been prepared on the part of Her Britannic Majesty's Government, under the Vth Article of the Treaty."

He requested leave to do so, because the right of the British Agent to present that document, at least under the title of a summary of argument, could no longer be said to subsist under the Treaty. Without giving the exact words of the telegram received to-day, I am entitled to say that declaration has been submitted to the Tribunal; that a question arose upon some words it contained; that other words were substituted with, I believe, a perfectly satisfactory effect by the British Agent with the advice of counsel, and that the matter of this controversy relating to the Indirect Claims before the Tribunal at Geneva may be considered as concluded. Sir, I have said that I desire to avoid explaining any of these proceedings, and to confine myself to a dry statement of facts; but the House will understand what appears to us to be clearly upon the face of the documents when they are considered. In the first place, they will observe that we, having made the request for adjournment, have in no sense prompted, or expressed any desire for this movement on the part of the Arbitrators; it was their own spontaneous act. The House will also observe that the opinion which the Arbitrators have given with respect to the Indirect Claims is not an opinion involving an assumption of jurisdiction, and has not proceeded upon any hearing of the case, or upon any submission of any argument whatever by us to them in relation to the admissibility of those Claims. The Arbitrators stated that they had considered what had been said by the American Government, and thereupon they founded their declaration. The Arbitrators have also, as the House will observe, not entered into the question of the interpretation of the Treaty, but have rather stated that they perceived in the nature and character of those Claims reasons why, even if the two Governments were agreed as to their jurisdiction, it would be impossible that they should be entertained. Further, Sir, with regard to a distinction that was formerly drawn between the question of making a pecuniary award and the question of their entire extinction, the House will perceive that if at any period that distinction really subsisted, it subsists no longer, because the Claims are not to be taken into consideration for any purpose whatsoever in regard to any award that the Arbitrators may make. Sir, this being so, the House will understand that it was obviously the duty of the British Government to withdraw its request for an adjournment. The question of adjournment was one which we considered preferable to the lapse of the Treaty; but it was one which we are very glad to find ourselves in a position to drop. The request for the adjournment, in view of further negotiations, having been withdrawn, it only remains to say that I believe some adjournment will probably be necessary for the convenience of the Arbitrators, in order that they may put themselves in full possession of the latest documents in the Case before they hear counsel and Agents; but that will be for a practical purpose alone; and, so far as the two Governments are concerned, there is now no longer any obstacle or impediment whatever to the prosecution by the Arbitrators of that high and important function which they have undertaken—undertaken for the immediate benefit of the two nations concerned—but also, I believe, with the hope—I trust a well-founded hope—that in conducting this controversy to a peaceful and friendly issue, they may likewise be conferring a real service upon the mass of civilized mankind.

MR. PERCY WYNDHAM said, he understood the statement of the right hon. Gentleman to mean that the Arbitrators had decided against the Indirect Claims not because they considered them inapplicable to the present case, but because they had decided against the principle of Indirect Claims altogether. If that were so, he had but one remark to make, and that was, that in order to tide over our present difficulty we had sacrificed what might prove to be the most valuable rights of this country on a future occasion. [" Order !"]

MR. SPEAKER informed the hon. Member that he would be quite in Order in putting to the First Minister of the Crown any question arising out of the statement that he had just made; but that to express an opinion with reference to the matter which had been brought under consideration was not in Order.

MR. PERCY WYNDHAM said, to put himself in Order he would move the Adjournment of the House. His purpose was to ask what would be our position if, in any future war in which the United States were neutral, Fenian raids should take place into Canada. Would not the damage that might result from such raids fall under the head of Indirect Claims? It must be clear to everybody that for weeks past the Government of the United States had been trying to lead up to the position which the controversy had now reached. They knew they were in a difficulty, and their only object had been to secure immunity for the future before foregoing the Claims. This they had now secured. These Indirect Claims were undoubtedly unjust in this instance; but a time might come when claims similar in title, but of a just and reasonable character, would be owing to this country, and we should then find ourselves debarred from asserting our rights.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Percy Wyndham.*)

MR. DISRAELI: Did I correctly understand the right hon. Gentleman that the relinquishment of the Indirect Claims by the Government of the United States is limited only to this Arbitration?

MR. GLADSTONE: Sir, the controversy which has prevailed between the two Governments since the month of February has been almost entirely limited to the scope of the Arbitration. The declaration which Her Majesty was advised to make from the Throne related entirely to what was within the power of the Arbitrators. The communications made to the United States Government, in like manner, related to what was within the power of the Arbitrators. On that basis the controversy has been continued, and the request made on the part of the Government of this country — the position taken on the part of the Government of this country—has at all times been that we would not consent to any award or proceeding before the Arbitrators on the subject of these Claims; and that they could not be submitted with our participation to the Arbitrators. The right hon. Gentleman asks, Is the relinquishment of these Claims applicable to the Arbitration alone, or—if I may fill up what I conceive to be the evident meaning of his question—will it be in the power of the Government of the United States to revive these Claims independently of the Arbitration? I must say that that is a matter lying outside the immediate issue which has been in dispute between us and the Government of the United States for the last five months. If the right hon. Gentleman asks me whether it would be competent for the United States Government in our view under the Treaty, to raise the question of Indirect Claims now that a Treaty has been concluded, I answer him, in the most unequivocal terms, that it is not competent for them to do so. Neither has there been at any time hinted to us the possibility that they have the smallest inclination to take such a course. But while that subject is an entirely distinct one, which I think it material to point out, we have ourselves the very strongest opinion that the Treaty as it stands—the Claims not being within the scope of the Arbitration, as now decided — the Treaty is an effectual bar to such Claims; if, indeed, the best bar to such Claims should not be found in the nature and conditions of the Claims themselves. But with regard to the argument of the hon. Gentleman (Mr. Percy Wyndham), I will not reply to it by argument, but, by calling his attention to the exact words of the declaration of the Arbitrators, which appears to us to be drawn with the greatest care and circumspection. I know it is not very easy, hearing such documents read for the first time, to arrive at once at their full effect; but I think the hon. Gentleman will see that his impression is entirely mistaken, and when he has the Papers in his hands, which I hope will be within three or four days from the present time, he will have an opportunity of maturely considering the subject and testing the effect of the words. In the declaration of the 19th, as I have already said, the Arbitrators first of all describe the Claims—not Indirect Claims in general, but the particular Claims put forward as the Indirect Claims in controversy with the United States—under the three heads of Claims. They are so well known that I need not read them. Having thus described the Claims, the Arbitrators use these words—and now, perhaps, I had better read a passage I did not before trouble the House with—

> "But it seems to them obvious that the substantial object of the adjournment must be to give the two Governments an opportunity of determining whether the claims in question shall, or shall not, be submitted to the decision of the Arbitrators, and that any difference between the two Governments on this point may make the adjournment unproductive of any useful effect, and, after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which, it is to be presumed, both Govern-

ments would equally deplore, that of making this Arbitration wholly abortive."

Then they say—and this passage I formerly read to the House—

> " This being so, the Arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the Tribunal in making its award, even if there were no disagreement between the two Governments as to the competency of the Tribunal to decide thereon."

I think, Sir, that is decisive. Of course, the Government of this country must always act in honourable consistency with the principles involved in conducting any particular controversy; but as to any abstract declaration I think the hon. Member will see that there is no foundation for the remarks he has made.

MR. MUNTZ: I wish to ask the right hon. Gentleman this Question—Are we to understand from these documents that we are now in the same position we should have been in if the Indirect Claims had never been made?

MR. GLADSTONE: As regards the prosecution of the Arbitration, I apprehend that we are certainly in the same position, and exactly in the same position. As regards the general considerations applicable to a great controversy of this kind, I will not undertake to say that there may not be divided opinions; but it appears to me that not only we, but likewise America and all countries, will derive considerable advantage from the full and searching discussion which this question has undergone during the negotiations.

Motion, by leave, *withdrawn.*

PARLIAMENT—RULES AND ORDERS OF THE HOUSE.—QUESTION.

MR. NEWDEGATE called attention to the 20th Order, which was thus entered on the Paper—"Monastic and Conventual Institutions Commission Bill—Adjourned Debate on Second Reading, 26th June." He begged to state that he had not last evening raised any debate on the second reading, and, indeed, could not have done so at 9 minutes to 6 o'clock, when, as the hon. Member for Dungarvan (Mr. Matthews) had given Notice to oppose, and controverted matter could not be taken. He had merely proposed that the second reading should be fixed for the 5th of July, at 2 o'clock, in order to try the question whether Members not connected with the Government were prevented by the Rules of the House from placing their Orders first when the House met at 2 o'clock. He wished to ask the Speaker whether the 20th Order was rightly entered on the Paper? He also wished to ask whether the Resolution of the House forbidding Opposed Business being taken after half-past 12 o'clock would preclude the House to-night from considering the proposal whether he could fix the Order for the Morning Sitting on July 2?

MR. SPEAKER: On the Order of the Day for the second reading of the Monastic and Conventual Institutions Commissions Bill being read yesterday the hon. Member proposed that the second reading should be postponed to Friday week, at 2 o'clock. That Motion was opposed, and as at the time at which it was made no Opposed Business could be taken, according to the Standing Orders of the House, the debate was adjourned to this day. In answer to the first Question of the hon. Member, I must, therefore, state that the entry, which was made by the Clerk at the Table in putting this down among the Orders of the Day as an adjourned debate upon the second reading, is perfectly accurate. The hon. Member further asks me whether the Resolution of the 15th of March, in reference to not taking Opposed Business after half-past 12 o'clock, applies to this particular Order of the Day. I am bound to consider that the Amendment standing in the Notice Paper, that this Bill should be read a second time this day three months, applies to the Order of the Day whenever it is called on. Therefore, I consider that the Resolution to which the hon. Member refers does apply.

MR. NEWDEGATE: Allow me, Sir, to ask you to what day I can postpone the Order?

MR. SPEAKER: When the Order of the Day is called on the hon. Member may make such Motion as he thinks proper, and the House will decide the matter according to its discretion.

Afterwards, on the Order of the Day for resuming the Adjourned Debate on Motion that the Monastic and Conventual Institutions Commission Bill be now read the second time—

Mr. NEWDEGATE, having again called Mr. Speaker's attention to the position of his Order in relation to this Bill, said, that he believed the best course for him to take—as he did not acknowledge the Notice which stood in his name—was to allow the Order to drop. He would then give a fresh Notice so as to revive the question.

EDUCATION (SCOTLAND) BILL—[Bill 210.]

(The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—*(The Lord Advocate.)*

Mr. GORDON rose to state that there were several provisions of the Bill in which he did not acquiesce, and, therefore, he hoped he should not be understood as concurring in them, although he did not take the sense of the House on the third reading of the Bill.

Sir JAMES ELPHINSTONE considered it his duty to protest against the third reading of this Bill for the following reasons:—because the Bill abandons the position hitherto occupied by the Legislature, which was solemnly adopted at the Reformation—that the Word of God should be incorporated with the education of Scotland; because the education of the people of Scotland is to be taken out of their own hands and governed by a Board in London, whose decisions will regulate and override the temporary phantom Board which it is proposed to establish in Edinburgh; because the appointment of school boards in every parish is calculated to create difficulties rather than to improve the education imparted at the parish schools; because it will be difficult to avoid applying the same regulation to Ireland, the result of which will be to throw the whole education of that country into the hands of the priesthood; because the Bill will tend to impair the independence of the masters by making them the servants of —it may be—illiterate and penurious boards; because it introduces a new burden on occupiers of land from which they have hitherto been practically exempt; and, finally, because there is every reason to believe that the principle of the Bill is opposed to the feelings and wishes of the vast majority of the people of Scotland. In support of the last objection he referred to the contest for the city of Aberdeen. There were three candidates before the constituency, and not one of them dared to approach it without in the first place supporting the Resolution of his hon. and learned Friend (Mr. Gordon) that the Scriptures should be read in the schools, expressing agreement with the principles on which Scotch education had hitherto been conducted, and to that extent expressing disapproval of a portion of this Bill. He would further adduce the result of the divisions in the Established and Free Church Assemblies on the Amendment of the hon. and learned Member (Mr. Gordon) and on the Bill itself. The Amendment of the hon. Member was supported in the Established Assembly by the majority, which consisted of 247, and in the Free Church Assembly by the minority, which consisted of 156, making a total for the Amendment of 403. The Lord Advocate's Bill received in the Free Church Assembly the support of the majority of 325, and in the Established Assembly the support of a minority of 43, making a total of 368. Taking the two Assemblies together, the totals were—for the hon. and learned Member's Amendment, 403; for the Lord Advocate's Bill, 368; showing a majority of 35 against the Lord Advocate. These facts were, he thought, a sufficient justification for the course he had taken in opposing the Bill.

Mr. M'LAREN believed, from all the information he had been able to obtain, that no measure had ever passed the House of Commons which would meet with more general acceptance in Scotland than this Bill. With one exception, relating to the enlarged charge to be made upon the heritors, the great mass of the people looked upon the Bill as an admirable one, and one which would work wonders.

Mr. R. W. DUFF wished to state, in reply to the hon. Gentleman opposite (Sir James Elphinstone), that one of the candidates for Aberdeen had distinctly stated that he entirely approved this Bill, and especially the provisions with regard to religious instruction.

Motion *agreed to.*

Bill read the third time, and *passed.*

MINES (COAL) REGULATION (*re-committed*) BILL—[BILL 150.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE. [*Progress 25th June.*]

Bill *considered* in Committee.

(In the Committee.)

Wages.

Clause 15 (Payment of wages at public houses, &c.).

MR. BRUCE said, that, in consequence of communications he had received from both sides of the House, he proposed to postpone the clause.

SIR ROBERT ANSTRUTHER, while anxious for the discussion of an Amendment of which he had given Notice, would not lay himself open to the charge of impeding the progress of the Bill; but he could acquiesce in the postponement of the clause only on the understanding that the other Bill by which it was proposed to deal with this question would be persevered with.

MR. BROWN could assent to the postponement of the clause only on a sufficient assurance that the subject should be dealt with by the Government at the earliest opportunity.

Clause *postponed.*

Clause 16 (Payment of persons employed in mines by weight).

MR. STAVELEY HILL announced his intention of waiving his Amendments allowing payments by measure also, the masters being willing to submit to the inconvenience involved in weight being the only standard.

MR. PEASE, while personally in favour of weight, thought measure should be permitted; but would not press the matter if the Committee generally took another view.

MR. FOTHERGILL wished for the adoption of the standard which would give the greatest satisfaction to the men. In South Wales, where measure was not used, all the work of a mine was often stopped in order to see that the coal was correctly weighed; and his own workmen frequently tested the weighing machine, a practice which was satisfactory to him, for the masters' hands were quite clean in this matter.

MR. HUSSEY VIVIAN moved, in page 7, line 20, at end, add—

"Provided always, That nothing herein contained shall preclude the masters and men from agreeing that deductions shall be made in respect of stones or material other than that contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any tubs, baskets, or hutches being improperly filled; such deductions being determined by the banksman and check weigher (if there be one), or, in case of difference, by a third party to be mutually agreed on."

MR. BROGDEN proposed to insert in page 7, line 20, in Mr. HUSSEY VIVIAN'S Amendment, if carried, after "improperly filled" the words—

"In those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him."

MR. BRUCE assented to the Amendment, remarking that the reputation of a mine owner depended on the coal sent to market being free from stone or shale. It was, therefore, necessary to protect him against baskets being filled with rubbish.

Proviso, as amended, *agreed to.*

MR. BRUCE proposed an Amendment which would affect not only this clause, but other parts of the Bill. The concluding paragraph of the section raised the important question which was discussed the other day, and having received information as to the sort of opposition which these points would receive, he had endeavoured to frame an Amendment which, while giving due effect to the object of the Bill, would meet the legitimate objections which had been raised. He proposed to omit the last paragraph and to insert the words—

"Every person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence against this Act; and, in the event of any contravention or failure to comply with the provisions of this section, the owner, agent, and manager shall each be guilty of an offence against this Act unless he can satisfy the Court that he has used due diligence to secure the execution of such provisions."

These words were taken from the Factory Act.

MR. LIDDELL, while grateful to the right hon. Gentleman for his attention to this important matter, and for the earnest he had just given of the manner in which he would deal with it, was of opinion that Notice ought to be given of the Amendment in order that its terms might be very carefully weighed. He would suggest that it should be postponed until the bringing up of the Report.

Mr. BRUCE said, the words he had proposed were of a less stringent character than the words in the original clause, to which no Notice of Amendment had been given.

Mr. GATHORNE HARDY observed that, notwithstanding the opposition of the Government to the insertion of the word "knowingly" in a clause discussed at the sitting on Tuesday, the Home Secretary, in effect, now proposed to insert the word "knowingly," because he felt it to be due to this clause. But full Notice ought to have been given of his intention to amend this clause.

Mr. RODEN said, he hoped the Home Secretary would postpone his Amendment, of which he had not given Notice, until the Report—that was to say, until the Committee had a fair opportunity of discussing the whole question. According to the Amendment, the owner, agent, and manager might all be sent to prison for the same offence.

Mr. BRUCE said, the Amendment followed the words of the Factory Act, but he had no objection to the clause standing it its present form.

Mr. STAVELEY HILL said, he had read the Factory Act carefully, and found that in every case not only knowledge but personal knowledge was required before any person could be punished. He took exception to the construction put upon the matter by the right hon. Gentleman, and maintained that the words had a very different effect in the Factory Act from what they would have there.

Mr. WINTERBOTHAM said, the hon. and learned Gentleman who had just sat down had not studied the Factory Act so successfully as his right hon. Friend the Home Secretary, otherwise he would have seen that the obligation which it was now proposed to place on the mine owner, if not identical with that imposed under the Factory Act, differed only in being less severe. The clause proposed by the Home Secretary was to this effect—that if the rules were contravened the mine owner should be held responsible, but he might free himself from responsibility if he could show that he had used due diligence. Under the Factory Act the owner or occupier would be *primâ facie* liable, but would be able to exonerate himself if he showed that he had used due diligence, and also pointed out who the culpable person was. In the present clause the latter obligation was not required, because in case of an explosion it might not be possible for the mine owner to show who had been culpable, though he might be able to prove that he had himself employed due diligence. Therefore, under this Bill the owner, agent, or manager of a mine would be placed in a more favourable position, because he would have exonerated himself the moment he had shown the Inspector that he had shown due diligence.

Lord ELCHO said, the speech of the Under Secretary was an unanswerable argument in favour of the proposal of the hon. Member for Northumberland (Mr. Liddell) to postpone the clause. An hon. and learned Gentleman (Mr. Staveley Hill) on one side had brought forward a legal argument which was met by another legal argument by the Under Secretary. That showed that it was extremely desirable to proceed with caution, and if his right hon. Friend the Home Secretary wished to make progress with the Bill it would best be done by postponing the clause without entering further into a legal discussion, which might be prolonged with very little advantage.

Mr. PEASE also appealed to his right hon. Friend to postpone the clause, for they were being asked to legislate on a new Amendment, the legal bearings of which it was extremely difficult for them to follow.

Mr. BRUCE did not deny the reasonableness of this request, but he could assure the hon. Gentleman that there had been no want of due diligence on the part of those in charge of the Bill. As objection had been taken to the insertion of the words, he was perfectly willing to postpone them until some later period, or the Report, when it would be his duty to propose them again upon giving due Notice.

Amendment, by leave, *withdrawn.*

On Question, "That the clause, as amended, stand part of the Bill,"

Mr. NEWDEGATE, as a person interested in the subject, wished to state that the difference between the Amendment suggested and the substance of the

Bill and the Factory Act was this—that the Factory Act made the occupier primarily responsible as the person in possession. The owner was not in possession when he had let his mine to another, and to make him responsible for what was done under the occupier was altogether unjust. ["Order!"]

THE CHAIRMAN informed the hon. Member that the Amendment had been withdrawn.

MR. FAWCETT rose to move that the clause be omitted from the Bill. The hon. Member said, he had sat upon a Committee the Report of which formed the basis of the present Bill, and he had listened to the evidence given by various persons relative to the payment of wages by weight or measure. He wished therefore to enter his most emphatic protest against the legislation contained in the clause, which was also to be traced in various other Bills. It was the beginning of an evil course, which, if persisted in, would bring great disaster on this country. It would intensify the very evils it sought to cure, and he was convinced it would inflict the most serious blow upon industry, because it would teach working-men not to rely on themselves, or their own efforts, but to seek the miserable and demoralizing assistance of repeated Acts of Parliament. He would have occasion, when the Government brought on the Truck Bill, to raise this question on a broader basis. But what he wished now to point out was this—if it were better to have the men paid by weight than by measure, could not the House of Commons leave the question to be decided by the masters and the men themselves? The hon. Member for Merthyr Tydvil (Mr. Fothergill), who spoke with great practical experience, had told the House, what they knew to be the truth, that the men had quite as much power as the masters. The men had worked wages up to the market point, and, when the circumstances of trade justified, they were able to obtain an advance of 10, 20, or 25 per cent. They had fought out the question of wages successfully, because, happily, this House had not encouraged the baneful doctrine of interfering between employer and employed. Would not half the same force of combination, similarly directed, enable working men to say that they should be paid by weight and not by measure? You could not legislate in this way for every trade, or even for every mine. Whenever you attempted this trade interference you were forced to allow the Home Secretary the power of making certain exceptions. The result would be to spread over the whole country a great network of Government interference, under which trade would suffer more even than it would from onerous taxation. You had not the courage to carry out this very clause consistently, and what was your weak resort? You inserted a proviso that the Home Secretary might suspend its operation, allowing men to be paid by measure and not by weight. Would the practical men of England really say that the Home Office was to decide all these difficult and delicate questions? Had not the Home Office enough to do at present? Did it do its work so well that it could undertake, in adddition, to look into every mine, every level, every shaft, and say that wages should be paid according to measure in one case, according to weight in another? He said nothing against the Home Secretary. The Home Office did not fail because of any personal faults in his right hon. Friend, but because it undertook 50 times more than a Government Department could do. If this tendency were not checked, the Home Office would not only have 50 but 100 times more than it could properly do, and it would be far worse done than it was at present. No doubt, these would be called the theoretical opinions of *doctrinaires;* but they were really opinions based on common sense, and he believed that a great majority of the House would be anxious to make the same avowal, if they were not deterred by the false and mistaken philanthropy which had grown up. He was strongly in favour of certain kinds of Government interference; but there was an important distinction between interference on behalf of children and interference on behalf of grown-up men. "Oh," said an hon. Friend, to whom he used this argument, "but workmen must be treated as children." If so, why did not the supporters of this childish legislation say so, when they were going to give the franchise to working men? The very men who advocated this meddling, mischievous legislation, and who now said—"You must legislate for working men as if they were children," talked then, in Parliament and upon endless platforms, about "the enlightened working classes," and declared that every working man in the country ought to have a vote. He, too, thought that every working man should have a vote, and it was because he thought so that he was of opinion they should be left to manage their own affairs. If he believed that workmen must continue to pass their lives on crutches, and to be treated as though they could not settle their ordinary transactions, he should be the first to say—"For Heaven's sake do not extend the suffrage. Let us even retrace the fatal step we have taken in entrusting political power to a class who are so childish that they cannot take care of themselves." This clause raised an important principle, one against which he should protest whenever it was introduced into an Act of Parliament. He meant to do it on the Truck Bill. He did not care how much he might be misunderstood, or what unpopularity he incurred; but if he received the slightest encouragement, though he did not desire to delay the Bill, he should ask the House to express its opinion on the policy contained in the clause.

MR. PEASE said, the clause compelled every colliery proprietor after August, 1873, to pay his men by weight instead of by measure, except in certain cases where the Secretary of State had power to vary that arrangement. Like his hon. Friend (Mr. Fawcett), he objected to place such an unnecessary power in the hands of the Home Office. From some practical experience on this subject, he believed that there was no difficulty in paying the men accurately by measure by providing a standard measure at the mine. If that were so, there need be no dissatisfaction with the system of paying by measure, and he objected to the House of Commons dictating between masters and men.

MR. ALDERMAN W. LAWRENCE said, he had heard with astonishment the speech of the hon. Member for Brighton (Mr. Fawcett), which, if it meant anything, meant that the Bill was unnecessary, and that masters and men were perfectly qualified to settle their own arrangements without interference from this House in the matter of mines, manufactories, and workshops. The cheers from both sides of the House during the speech of the hon. Member were not very encouraging to those outside who were looking to that House to render life in mines more secure, and to place the relations of masters and men on a better footing. If that House accepted the doctrine that working miners were perfectly able to make their own arrangements with their masters, as to the rules and regulations for the working of mines, it would thereby transfer to the trades unions the power of regulating these relations; or the argument of the hon. Member would, in effect, allow the weak to be ruled by the strong. When, some years since, great complaints arose respecting the frauds and dishonesty in the coal trade, when coals were sold by measure, Parliament did not say that was a question between buyer and seller, with which they had no concern, but it passed an Act compelling coal merchants to sell their coals by weight, and also to provide scales and weights to enable the consumer to test the weight. He hoped the Committee would adhere to the clause.

MR. GOLDNEY said, he thought that the hon. Alderman had entirely mistaken the question, and that if all questions of rates of wages and modes of payment were settled by a paternal Government there would be a much greater outcry than there was now. To compel coal merchants to sell their coals by weight to the public, and make them provide scales and weights to test the weight of the sacks, was a totally different thing to compelling the miners to change a system to which they had been accustomed. The men could easily settle this question for themselves; they could see whether the skips were full; and if they were, they knew that they would receive a certain rate of payment.

MR. GOLDSMID cordially supported the views expressed by the hon. Member for Brighton, and protested against the system of having a paternal Government interfering on all occasions between masters and workmen. He had recently paid a visit to the mining districts, and had conversed with several miners, and he had come to the conclusion that there was not a more intelligent class of men in this country, or men more capable of making an arrangement for themselves.

MR. ELLIOT entirely concurred in the principle which had been enunciated by the hon. Member for Brighton, and thought that the less interference between masters and men the better. British workmen were very well qualified indeed to take matters into their own hands. The system of computing by measure had, however, he could state from his own experience, given rise to more disputes and difficulties than anything else connected with the management of collieries; and while fully recognizing the principle that the less interference took place the better it would be, thought that for the sake of expediency, it would be well to enact the adoption of the weighing system.

MR. LANCASTER also supported payment by weight, and said it was well known that there was generally a large percentage of over-weight in favour of the masters as compared with the estimated weight of the coal as measured. He also stated that it was the custom of the banksman at the pit's mouth to declare the whole of the tub or skip forfeited if, in his opinion, it was not the proper measure, which was a great grievance. Of course, in cases of short weight the deduction was only made of the amount it was short.

LORD ELCHO trusted the Committee would allow the clause to stand. The hon. Member for Brighton said it was not right for the State to interfere between masters and men in such matters; but the Irish Land Bill was an interference on the part of the State, and the hon. Member's conduct in reference to that measure was inconsistent with the principle which he now enunciated. When, as in this case, the representatives of the employers and of the workmen were agreed, that principle, though generally sound, might be departed from in the present instance.

MR. RODEN observed that nothing had caused greater irritation than the question as to the way in which the men should be paid; and though he agreed with the statement that the men ought generally to be left to settle such matters for themselves, yet all interested in the subject declared that the clause was necessary. He, however, was of opinion that the discretion proposed to be given to the Home Secretary should be left out of the Bill.

MR. BRUCE conceived that the hon. Member for Brighton (Mr. Fawcett) had done good service by raising this discussion. The subject was one of great difficulty, and it was not without a great deal of reluctance that he complied in this matter with the general wishes of the mining population. He knew the danger of interfering between masters and men in anything which could be fairly settled between themselves. But Parliament had already interfered in respect to weights and measures in order to prevent disputes and the suspicion of fraud. Parliament had interfered to cause coal to be sold by weight all over the country. It was found that that was the only way to establish confidence, and that was the justification for the introduction of the present clause into the Bill. With respect to the interference of the Secretary of State, he should be glad if that matter could be omitted from the clause; but great hardship would be entailed if the proposed change were carried out in all cases without exception.

MR. FLETCHER, as one practically connected with the management of collieries for many years, expressed himself as being strongly in favour of the system of weight, and he thought it should be adopted absolutely, without any power being given to the Home Secretary to grant exemptions.

MR. PEASE was in favour of payment by weight, but on the principle of non-interference, he should vote with the hon. Member for Brighton. The hon. Member for Durham (Mr. Elliot) had stated that great dissatisfaction arose among miners from the practice being enforced of paying their wages by measure. All he could say, as the result of his own experience in the matter, was, that he had never known a strike occur from disputes on that point.

MR. FAWCETT remarked that he was usually not disinclined to carry a question to the test of a division; but he should not take that course on the present occasion, because he had not given Notice of his intention to oppose the clause. Again, this Bill was, to a great extent, the result of a compromise, and many hon. Members who thoroughly agreed with him in principle would not be prepared to vote against the clause. He should, however, take an opportunity of raising the same principle on the Master and Servant (Wages) Bill, which he intended to oppose.

Motion, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 17 (Appointment and removal of check-weigher on part of men).

Mr. BRUEN said, this clause, which related to the appointment of a check-weigher on the part of the men, provided that if in any mine proper facilities were not afforded to the check-weigher, the owner, agent, or manager of such mine should be guilty of an offence against the Act. He proposed to change into the positive what was put by this provision in a negative form, and therefore he moved in page 8, line 6, to leave out from "proper," to "section" in line 7, inclusive, and insert—

> "Any inconvenience or obstacle be placed in the way of such check-weigher calculated to interfere with his taking in an efficient manner such account as aforesaid, as required by this section, or to encroach on all reasonable and proper facilities for his so doing, then and in such case."

Mr. BRUCE opposed the Amendment, because he thought the Bill should insist on proper facilities being given to enable the check-weigher to perform his duties.

Mr. BRUEN remarked, that as the facilities to be given were not defined by the Bill, the owners might be placed in a difficulty.

Amendment *negatived.*

Clause *agreed to.*

Clause 18 (Inspection of weights and measures) *agreed to.*

Single Shafts.

Clause 19 (Prohibition of single shafts).

Sir DAVID WEDDERBURN said, this clause provided that in communication with every seam of each mine for the time being at work, there should be at least two shafts, or outlets, separated by natural strata of not less than ten feet in breadth. This distance, in his opinion, was not sufficient, and he therefore moved, in page 9, line 28, to leave out "feet," and insert "yards."

Mr. BRUCE said, he had taken the opinion of Inspectors on this clause, and none of them suggested any departure from the Act of 1862, in which the same provision appeared. Therefore, unless the hon. Member had stronger reasons than he had adduced for his Amendment, the Government must object to it.

Amendment, by leave, *withdrawn.*

Mr. BRUEN pointed out that the Proviso at the end of the clause stated—

> "That the separation between the shafts should not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets had been made for temporary purposes of ventilation, drainage, or otherwise."

In no times in Ireland had any inflammable gas been discovered, and the retention of the word "temporary" might be prejudicial to them. He therefore moved in page 9, line 41, after "otherwise," insert—

> "Or in the case of mines where inflammable gas has not been found within the preceding twelve months, such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for purposes of ventilation, drainage, or otherwise."

Mr. BRUCE said, he did not think the Amendment would give any additional security.

Mr. BOUVERIE thought the introduction of the words proposed would restrict the Proviso, since its effect would be to exclude from the operation of the clause all mines where no inflammable gas had been found within the preceding twelve months.

Mr. ELLIOT thought the communication provided for by the clause would frequently be required in a mine where inflammable gas had been found within twelve months.

Mr. LIDDELL said, the weight of authority appeared to be opposed to the Amendment. He would, however, suggest that the matter be considered before the Report was brought up.

Lord ELCHO said, the difficulty of the case might be met by omitting the word "temporary" from the clause.

Mr. BRUCE promised, if the Amendment were now withdrawn, to consider the question before Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 20 to 23, inclusive, *agreed to.*

Certificated Manager.

Clause 24 (Appointment of manager to mine).

Mr. LIDDELL moved in page 11, line 41, after "manager," insert "or managers," the object being to meet the case of mines having more than one manager.

Mr. BRUCE opposed the addition, on the ground that by it the responsibility of the management of the mine would be divided. In his opinion, one of the greatest benefits that could arise in mines would be the introduction of certificated managers.

MR. HUSSEY VIVIAN supported the Amendment, remarking that in his district there was a general manager, with a separate manager to each pit, and that the clause as it stood would make only one of these responsible.

MR. CANDLISH suggested that the Amendment might be adopted subject to the insertion of qualifying words on the Report.

MR. FOTHERGILL pointed out the impossibility of a single man personally supervising enormous collieries.

MR. BRUCE said, that what was required was a man to be engaged in the daily supervision of a mine who should possess intelligence, vigilance, and assiduity, inasmuch as so many lives depended on the exercise of those qualities: and it was deemed desirable that the person so engaged should be required to have a certificate. Unless the Bill were to increase responsibility it could scarcely be called an improvement on any of its predecessors, and if that responsibility were diffused among several persons it would be to that extent weakened.

MR. ELLIOT pointed out that there were some mines of such magnitnde that they would require half-a-dozen managers. If security, protection, and responsibility were the objects which it was sought to attain the more managers there were, he contended, the better.

MR. PEASE was of opinion that the result of requiring a certificate would be to produce a higher standard of education among the men.

LORD ELCHO suggested that the introduction of the words "of active certificated managers" would meet at once the object of the Home Secretary and the framers of the Bill, and ensure the direct responsibility which his hon. Friend who had moved the Amendment desired to attain.

MR. HUSSEY VIVIAN was of opinion that the security of a mine did not depend more on the manager than on the chief agent, who had the control of the general working of it. He suggested, therefore, that the chief agent should be subjected to a practical examination, and should be certified as well as the manager.

MR. LANCASTER compared a mine to a ship with its captain, who directed its general course, and its mate, who was responsible for seeing that the sailors did their work and for the lifting and lowering of the sails. He, for one, did not think it was necessary that there should be a certified manager for every compartment of a mine.

MR. LIDDELL replied that there was a vast difference between the area of a ship and that of a colliery. It was impossible, he maintained, for any single manager to do the work involved in the daily supervision and control of many miles of mine. He must take the sense of the Committee on his Amendment.

MR. BRUCE said, that the captain of a ship was always on board, while the agent of a mine might be many miles away. He should be glad if the hon. Member (Mr. Liddell) would allow the matter to be further considered on the Report. The hon. Member had made out a case for more than one manager in some instances, and that case might be met without breaking in upon the principle of the Bill.

MR. HENDERSON said, that in all the well-managed collieries there was a proper staff appointed, who were really responsible for every hour of the day, and there was not a single operation in one of the large collieries which was not under the supervision of officials who were responsible both for the safety of the mine and for the lives of the workpeople.

Amendment *agreed to.*

MR. ELLICE moved the insertion in page 12, line 2, after "be the" of the words "agents and," his object being that the owner of the mine should be required to give notice to the Inspector of who the agent of the mine was, and that that agent should be subject to examination and have a certificate in the same way as the manager.

MR. BRUCE said, that this Amendment, thus suddenly started upon them, would alter the whole structure of the Bill. There was no reason why the agent should not be the manager if it was the desire of the owner that he should be; but there were cases in which an owner might have one agent and a great number of managers. The person invested with the responsibility should be the manager. The point raised by the Amendment could be better dealt with on the Report.

Mr. ELLICE said, he did not like leaving these things till the Report. A long experience had taught him how unsatisfactory that was. The agent was the person on whose control the safety of the mine really depended.

Amendment *negatived.*

Mr. BRUEN moved the addition of words in the clause giving power to the Secretary of State to exempt, in special cases, mines from the operation of the Act in which more than 10 persons were employed, as he thought that that restriction might sometimes prove inconvenient.

Mr. BRUCE thought that it was better that the limit fixed upon—namely, mines with not more than 10 persons employed in them—should be retained.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Clause 25 (Grant of certificate of competency).

Mr. LIDDELL, in moving that this and the following clause relating to the appointment of examining Boards and the grant of certificates of competency to managers should be omitted, for the purpose of inserting other clauses at the proper time on the same subject, said, that for the first time it was now proposed that all managers of mines should hold certificates of competency, thereby relieving owners and agents from a material portion of the responsibility which had hitherto attached to them in the choice of their servants, and also conferring an official title upon all future managers of mines. The constitution of these examining Boards ought, therefore, to be carefully considered. - What he objected to was that not the Home Secretary, but "a" Secretary of State was to take upon himself the duty of appointing the examiners, framing regulations for the future conduct of these examinations, and granting certificates to candidates. Even the Home Secretary had not the requisite local knowledge, either for the choice of persons to conduct these examinations, or for ascertaining the qualifications and general fitness of men for these most important duties. He, therefore, desired to introduce the representative principle, adopting an analogous machinery to that by which certificates were conferred on masters and mates in the Mercantile Marine, and substituting local knowledge *versus* official theory. The present Secretary of State had a practical knowledge of mining, but a successor of his might be crotchety, dogmatic, theoretical, or quite ignorant of the subject. What was necessary in the case was an examining Board whose decisions should inspire public confidence, and he desired that the Board should be elected by men whose local knowledge would enable them to say who were qualified to act as examiners. A practical, not a theoretical, examination was necessary. It was requisite not so much to ascertain the scientific attainments of candidates, but to elect practical men with a certain knowledge of elementary science, for if you got very highly educated young men as managers, they would not submit to the drudgery of the pit. He desired to have a practical rather than a theoretical examination, and to obtain this it would be necessary to have a Board composed largely of practical men, with a mixture of the working-class element, which, in the examinations, would bring out the moral qualities, the courage, and the powers of endurance which were so necessary in the successful conduct of mining operations. When the proper time came he would explain more at large the plan he proposed to substitute for the clauses he now desired the Committee to strike out of the Bill.

Mr. NORWOOD said, he entirely disapproved the plan in matters of this kind of granting certificates fixing standards of merit. The effect of such a policy had been very injurious, as exemplified under the operation of the Merchant Shipping Acts, for the result was that few men endeavoured to get beyond the legal standard of merit, and the work in which they were engaged suffered considerably. He felt sure that, taking the Bill as far as it had progressed up to the present, the rules laid down were less stringent than those already in force in the best regulated collieries; and the further effect of vesting the appointment of examiners in the Secretary of State would be largely to remove responsibility from the shoulders of the colliery owners, on which it ought to rest, and so tend to the injury of the public interests.

Mr. WHEELHOUSE suggested that the practical portion of the Board of

Examiners hereafter to be proposed by the hon. Gentleman (Mr. Liddell) should be composed of two colliery owners, two practical miners, and two underground colliery managers. He attached great importance to the presence of these last-named persons upon the Board of Examiners.

MR. STAVELEY HILL said, he was of opinion that the practical result of the clauses now under consideration would be to prevent a great deal of the good which without them the Bill was calculated to effect. It was true, as had been said, that the present Home Secretary had much practical knowledge of mining operations. He might, however, be succeeded by a Gentleman destitute of such knowledge, who—perhaps through the agency of the School of Mines in Jermyn Street—might adopt such means for the examination of managers as would result in the selection not of practical men, but of those persons who could write the best essays, or give the best *vivâ voce* answers to questions relating to theoretical mining.

MR. PEASE said, there was very great force in the remarks of his hon. Friend the Member for South Northumberland. The character and requirements of mines varied considerably in different districts, and it was, therefore, desirable that the examiners should be acquainted with the localities. In his opinion, it would be of the greatest advantage to put working miners on the Board of Examiners.

MR. GATHORNE HARDY said, he wished to know whether, supposing a certificated manager did not answer his purpose, the Home Secretary would be placed in the position at present occupied by the owners? If an owner appointed a manager he incurred certain responsibilities as to penalties; but if the Home Secretary undertook the duty of certifying the manager, he could not see why the right hon. Gentleman should not bear the owner's responsibilities. He felt convinced that under the system proposed by the Bill the services of the best and most practical men would not be obtained. He knew instances in which persons of the highest character and of long experience utterly failed to pass an examination which was rather suited to young men fresh from school, and both the mines and the miners suffered through these failures, because otherwise the candidates were perfectly competent. There were, moreover, few men of comparatively advanced age who would like to have all their knowledge sifted to the bottom. He doubted whether the Home Secretary should take upon himself so grave a responsibility, as well as the policy of removing that responsibility from the owners, managers, and agents, and putting it on the Government. In doing so they were going far out of their way to interfere with business.

MR. BRUCE said, he agreed that it would be advantageous to have a local examination conducted by persons conversant with the wants of the different districts, and also that the object of the examination should be to ascertain not whether a man was fit to hold a professorship in a mining college, but whether he possessed all the practical knowledge which was necessary for the proper management of a colliery. He should be extremely glad to discover a mode more satisfactory than that proposed in the Bill of appointing a Board of Examiners. The hon. Member for South Northumberland had been bold enough to propose a scheme which, he said, was founded on the Merchant Shipping Act. No doubt, the owners of vessels did select the examiners; but he believed the sailors had no voice in the matter, and he might remark that it would be impossible to collect the votes of the colliers in the various districts in the manner now proposed. He was as desirous as his hon. Friend that the working men should have a share in the election, and, if proper machinery could be devised to bring about that result, he should be most happy to adopt the suggestion. The proposals of his hon. Friend, moreover, were in substance those made by the joint committee of masters and men. He had carefully considered them when they were first brought under his notice; but it appeared to him that they did not afford a practical solution of the question. It was necessary to get practical men, and not men of science; and he admitted he took refuge in the Secretary of State, not knowing where else to turn. It had been recently suggested to him that in most, if not all, of the districts there were associations of mining engineers, gentlemen who took the greatest interest in their profession, who were well acquainted with the wants of their respective localities, who stood, as it were, between the masters and the men, and who, without pitching their standard too high, would not fix it too low. Perhaps by intrusting this body of men with the selection of a certain number of examiners a solution of the difficulty might be found. The suggestion had only been made to him recently, and, therefore, he had not been able to give practical effect to it; but if it should be the opinion of the Committee that the Secretary of State was not the proper authority to appoint the examiners, and also that his hon. Friend's scheme was too cumbrous and expensive, it might be possible to secure in the way he had just indicated the appointment of an efficient Board of Examiners.

Mr. HERMON trusted the right hon. Gentleman would accept the suggestion of his hon. Friend the Member for South Northumberland. In most cases in which mines were concerned there were men who had risen out of the ranks by their own ability, and who had shown the proof of practical merit.

Mr. ILLINGWORTH remarked that the adoption of the clauses as proposed in the Bill would probably result in a state of things quite opposed to the practice generally existing at present, for a straightforward, sober, courageous man selected from the staff might probably be rejected by the examiners, though he would be the best man, and though the master would wish to consult the feelings of the men in the appointment.

Mr. FOTHERGILL, referring to his own experience, said, that in his own mines there had been raised 6,000,000 tons of coal during seven years, and that without the loss of a single life; but he should tremble for the consequence if the new system were adopted, as he considered it a miserable "come-down" from that which now existed. He objected to the owner being relieved from responsibility at the expense of risk to the lives of the miners; but, submitting to some such scheme as inevitable, he preferred that of the hon. Member for South Northumberland.

Mr. ELLIOT testified from experience to the consideration and judgment required in selecting underground managers. The thickness of seams, the modes of working collieries, and other conditions varied so much in different districts that a man fit for a manager in one locality might be unfit for another. Moreover, knowledge of mankind was an essential qualification. He contended, therefore, that the examinations should be local.

Dr. LYON PLAYFAIR said, that having been an Inspector of Schools of Navigation and a Government Commissioner to inquire into mine accidents, he could bear testimony to the satisfactory working of the system of certificates in the Mercantile Marine, though, when proposed, it excited the objections now urged against mine certificates. It was true that examiners could not test practical aptitude, but they tested the intelligent application of science to practice. A shipowner's responsibility had not been lessened by his being required to appoint a certificated captain, and the latter was not the less practical for understanding cyclones and land breezes. In the same way, a mine manager should know something of air, choke-damp, fire-damp, and the barometer and thermometer. He therefore differed from the hon. Member for Hull (Mr. Norwood), and he would remind him that his own town did not depreciate technical studies, for it had a most excellent school of navigation to prepare young men for passing the necessary examinations. Unless the hon. Member for South Northumberland wished to exclude technical subjects from the examination, his proposal and that of the Government had the same object—the securing an intelligent, practical manager. The objection to local Boards was that their standards of qualification differed, while the proposal of the Home Secretary was more likely to secure uniformity in this respect. Scientific principles, consciously or unconsciously applied, underlay and formed the root of all practice. That was now admitted in all practical professions, and mining was a most important profession. Managers of mines should not exercise mere rule of thumb, but possess some intelligence to guide their practice.

Sir CHARLES ADDERLEY said, that looking at the importance of establishing a competent Board of Examiners, he thought it was impossible for the Committee to arrive that night at any decision on either of the propositions that had been made. The Home Secretary had abandoned his own proposition, and it would be expedient to postpone the clause to give the right hon. Gentleman an opportunity of bringing up another clause.

MR. BOUVERIE said, there was evidence that the mining interest was not at all satisfied with the proposition of the Home Secretary that he should nominate the Board of Examiners, while as to the proposition of the hon. Member for South Northumberland, it seemed to him that the carrying out of that plan would be impossible; he therefore thought the Committee were not in a position to adopt either one or the other. In that state of things he would suggest that the Committee should fall back upon some such plan as that laid down in the 9th clause—namely, that where an Inspector complained that a manager was incompetent, an inquiry should be directed by the Secretary of State, and, in the event of the charge being sustained, the manager should be removed. There was this presumption in favour of the old system—that it had been conducted with great success, and that the accidents, which everyone deplored, were not due to bad management or the incompetence of managers, but to other causes. He thought the postponement of the clause desirable.

MR. A. EGERTON said, he approved of the constitution of a Board consisting of three examiners, and thought that the Inspector should be one member of the Board, and that the other two should be nominated by the Secretary of State.

MR. RYLANDS observed that the Home Secretary had said it was most important that managers should be required to obtain certificates. But if certificates were desirable in the case of managers they were at least equally desirable in the case of agents, who controlled managers, and who had a great deal more to do with the administration of the mines than managers had. His own opinion was, that it was a mistake to suppose that accidents would be lessened if there were certificated managers, and that was the opinion of the Select Committee of 1867. The miners saw that we should not stop at managers, and therefore they asked that all agents, overmen, and chief managers should be required to have certificates. The men trusted to scientific acquirements; they had a blind confidence that if all these people passed a scientific examination they would be able to protect them from dangers of all sorts. The men were, in fact, relying upon the machinery of Government, upon which there was too great a disposition at present to rely for everything. But hon. Members knew very well that the protection of the men rested very much on the good sense and care of such owners as his hon. Friend the Member for Merthyr (Mr. Fothergill), who had told the Committee that he had carried on his mine for seven years without an accident. The men ought also to depend on their own care. He feared that too many accidents were owing to men going down into the mine with their hands unsteady and their brain disordered. He believed that a course was now proposed which, if taken, would not only not put a stop to accidents, but would increase them.

MR. BRUCE said, he gathered from the discussion that what was required was that the managers should be men of ascertained practical ability, and well acquainted with the district for which they were examined. The hon. Member for South Northumberland had spoken of the moral qualities necessary for the managers. Of course, it would be requisite for the employers in selecting their managers to see that they had the necessary experience and the necessary knowledge. The proposal of the hon. Member, however, was surrounded with insuperable difficulties; but he thought a solution of the problem might be arrived at in this way—Words to the following effect might be added to the second of those clauses which it was proposed to strike out:—

> "The examination shall be conducted locally by not less than three examiners, and of these not less than two shall be mining engineers practically acquainted with the mining district in which the examination is held."

That would secure the examination being held by persons of local knowledge.

MR. RODEN thought this a very wide proposition, and one that tended in the direction of centralization. In the first place, he did not know who was to appoint the examiners. [Mr. BRUCE: The Secretary of State.] He objected to the Secretary of State having any such power. He much preferred the scheme of the hon. Member for South Northumberland, which appeared to be a practical one. The plan of the hon. Member for South Northumberland was that there should be an Examining Board of nine members—one to be appointed by the Secretary of State, three to be practical mining engineers, three mine owners, to be elected by the mine owners of the district, and two to be miners, to be elected by the miners of the district. He did not see any difficulty in electing such persons, but he had no faith in nominations of any sort or kind. He should vote for the rejection of the clause.

MR. LIDDELL said, he objected to nomination by the Secretary of State. A serious objection to the right hon. Gentleman's proposal was, that it provided no means for the representation of the men. There were practical points absolutely indispensable in the managers, which the men of all others were best qualified to ascertain.

MR. ELLIOT, in reference to a remark which had fallen from the hon. Member for Warrington (Mr. Rylands), begged to say, speaking from a long and intimate experience, that in the whole course of his life he had never known of two men who had gone down into the pit in a state of intemperance.

MR. HUSSEY VIVIAN said, he did not think the ordinary run of mining engineers were qualified to examine men as to the practical working of mines underground; and, further, he had even known Inspectors of districts to whom he should be sorry to intrust the selection of such men. A long experience of both in mining led him to attach greater importance to practice than to science; and he thought the Motion of the hon. Member for South Northumberland afforded a good basis on which to found a Board of Examiners.

MR. ALDERMAN LUSK said, he was sorry that obstacles should have been thrown in the way of the Bill by persons who, to say the least, were not disinterested, who depreciated science, and said, in effect, that they preferred ignorance and the rule of thumb. ["No!"] What was science? It was knowledge. He always suspected the opposition of those who were personally interested in a question, whether mine owners, bankers, shipowners, or any others.

LORD ELCHO said, he must deny that any slur had been cast upon science in the course of the debate. The Home Secretary had himself admitted by his last proposition that there was great difficulty in a purely scientific examination; but you could not suddenly accept words such as had been proposed for insertion in the clause, and the best plan was not to postpone clauses which were condemned even by their author, but to strike them out altogether, and give time to the Home Secretary, in conjunction with the hon. Member (Mr. Liddell), to frame other clauses which would meet the views of the Committee. He should regret to see the representation of the men given up. Such a representation would ensure practical knowledge at the Board; it would establish the principle that employers and employed might meet amicably together, and it would tend as much as anything to bring about kindly relations between them. He hoped, therefore, that the Home Secretary would not be deterred by formal difficulties from attempting to secure on the Board representatives of the working miners.

MR. B. SAMUELSON said, of the two plans, he should prefer that the inspection should rest with the Home Secretary, and what was now wanted was that there should be some decision as to the way in which the selection should be made. No doubt, in some parts of the country, Boards selected in the way which had been recommended might be very well adopted; but in others, such a plan would leave things just as they were, and it would be just as well if no examiners were appointed at all. Anyone who knew anything of the Reports of Inspectors of Mines from year to year would see how widely the different districts of the country varied in practice. He should vote with the Government on the question.

Question proposed, "That the Clause stand part of the Bill."

Question put.

The Committee *divided*:—Ayes 107; Noes 156: Majority 49.

Clauses 26 and 27 *struck out.*

Clause 28 *agreed to.*

Clause 29 (Inquiry into competency of manager, and cancellation of certificate).

MR. LIDDELL moved as an Amendment, in line 22, after "or," to insert the word "employer," the effect being to permit a representation to be made by employers as well as Inspectors or otherwise to the Secretary of State, that any manager holding a certificate under the

Act is by reason of incompetency or gross negligence unfit to discharge his duties, whereupon the Secretary of State is empowered to make an inquiry into the conduct of the manager with a view to the cancelling, if necessary, of the manager's certificate. He had a further Amendment to move—namely, the omission of the words "or otherwise," in the same line, which gave too wide an opening for the making of representations to the Secretary of State.

Mr. BRUCE said, he must oppose the Amendment, on the ground that an employer had it in his power to discharge the manager if he was unfit, without the necessity of any such inquiry. The Amendment would excite great dissatisfaction.

Lord ELCHO said, if the words "or otherwise" were struck out, it would exclude representations from the men.

Mr. GATHORNE HARDY suggested that the Amendment should run "through an Inspector, or by an employer," which would obviate the latter objection.

Mr. GOLDNEY urged that the clause was introduced for the protection of the men. The insertion of the word "employer" was, therefore, an absurdity, and power should be left to the men to make a representation if they saw fit.

Amendment *negatived.*

Clause *agreed to.*

Clause 30 (Costs and expenses of inquiry).

Mr. GATHORNE HARDY said, he wished to call attention to the novel principle which seemed to be sanctioned in this clause of giving compensation to a person who had been prosecuted, but the charge against whom had been dismissed. Why should the public pay expenses and give compensation in such a case? It was a new principle in English legislation, and ought not to pass unchallenged by the Committee.

Mr. GOLDNEY said, he was of the same opinion. He contended that the expense of these prosecutions and of inspection should be borne not by the public, but by the particular interest they were now dealing with. Moreover, he did not understand on what ground the proposal was made, that compensation should be given to Inspectors who had been prosecuted under the Act and acquitted. The clause would add considerably to the Vote for Inspection, and some explanation ought to be offered of it.

Mr. BRUCE said, the question whether collieries should pay for their own inspection or whether the State should pay for it, was one well worthy of attention; but the point was not exactly such as had been described. It only proposed that if a manager was brought up under the Act on a charge that could not be substantiated, he should be allowed a certain sum for his expenses; and it did not seem to him that that was an unreasonable proposition.

Mr. DISRAELI said, that the right hon. Gentleman did not appear to appreciate the force of the objection taken by his right hon. Friend. It was that when a charge was made against an individual, and he was acquitted, the Bill proposed that compensation should be given to him. Well, but compensation was never given to other persons who were charged with offences, and acquitted. It was a new principle to be introduced into an Act of Parliament, because when any charge was made, there was always a *primâ facie* presumption that it was not made without grounds; and it was for the interest of society that the examination should take place, but it had never hitherto been held that compensation out of the public funds ought to be granted to the person if the charge were not sustained. The new principle laid down by the Bill was rather a surprising one.

Mr. BRUCE said, that the question was not one of compensation, properly speaking, to a person because a charge had been made against him; but it was only that an allowance should be made him for the expenses to which he had been put. The circumstances would be altogether novel. The Bill created a new tribunal and a new description of offence; and it seemed to him to be only fair that in the case of a manager against whom the charge made could not be sustained, he should be allowed some compensation for the loss of time and the expenses of his attendance.

Mr. GATHORNE HARDY said, that if the prosecution was a malicious one, there was a remedy at law against the person who started it, but that was a different thing from the proposal in this clause. The words were that any person prosecuted under the Bill might attend "by himself, his counsel, attorney, or agent," which opened a wide field of expense. He must insist that the prosecution would afford a man the means of investigation, as in the case of the ordinary Courts of Law, in which no one dreamt of recompensing a person accused, except in so far as he had a right of action against anyone who had maliciously prosecuted him. In fact, the new principle proposed in the clause was a dangerous one, and, if once introduced, the Committee might depend on it that it would soon be extended.

Mr. STAVELEY HILL said, in order to show its absurdity, that on the principle of this clause they ought to compensate a man who was charged with negligent driving in the public streets.

Mr. BOUVERIE said, much could be advanced in favour of the abstract proposition that a person unjustly accused of an offence should be compensated for the trouble he had been put to in defending himself; but it was inexpedient to introduce so novel a point in a Mines Regulation Bill. But this clause was being discussed without any real foundation, and he submitted that it was impossible to deal with it satisfactorily until the Committee had settled the nature of the certificate with which the clause dealt.

Mr. GOLDSMID asked in what position the Home Secretary would be if Parliament refused to grant the money to pay the compensation in any case?

Mr. BRUCE said, that seeing the provision under notice was so objectionable to the Committee, he was prepared to omit the words giving compensation, but was not prepared to make any fresh proposition relating to the certificate at present.

Mr. PEASE said, it was idle to suppose that the coal owners would bear the penalty. The whole cost of the Bill would fall on the consumers of coal, and the effect of the measure had been felt already in increased prices, the result of shorter hours of labour.

On the Motion of Mr. Bruce, Clause *amended*, by striking out the words relating to the compensation and costs of inquiry.

Clause, as amended, *agreed to.*

Clauses 31 and 32 *agreed to.*

Mr. Gathorne Hardy

Returns, Notices, and Abandonments.

Clause 33 (Expenses and fees).

Mr. HERMON estimated that the taxation which would be rendered necessary by this Bill would amount to £6,000,000 a-year, and that it would raise the price of coal 4*s.* per ton on 120,000,000 tons.

Clause *agreed to.*

Clauses 34 to 38, inclusive, *agreed to.*

Clause 39 (Plans of abandoned mines).

Mr. PEASE proposed an Amendment providing that such plans should be on a scale of not less than that on which the plan, if any, of the mine was last kept. The original words of the clause fixed the scale at not less than two chains to one inch.

Amendment *agreed to.*

Mr. STAVELEY HILL proposed, in line 16, to leave out "ten," and insert "twenty." The object of the Amendment was to provide that no person except an Inspector under the Act should be entitled without the consent of the owner of the mine to see the plan sent in to the Secretary of State, until after the lapse of 20 years from the date of its abandonment.

Mr. GOLDNEY said, he trusted that if the limit of 10 years was to be altered at all, one year would be substituted. The clause would be of no use if 20 years were inserted.

Mr. WOODS thought 10 years was rather too short a time within which to restrict the knowledge of a disused mine to the Inspector alone, and he hoped the Secretary of State would accede to an enlargement of the period.

Mr. COLLINS said, he could not see what right anybody had to know what was going on upon another man's property, either above or below ground, provided the mine was not dangerous to the public.

Mr. ASSHETON said, he could not see why, if the maps were to be made, they should be locked up.

Mr. BRUCE said, there was opposition on the part of owners of mines. Under the Bill, a plan could be seen by the Inspector of the district or with the consent of the owner of the mine, and there was no reason to suppose that permission to inspect plans would be refused by the owners to any person who had good reason for asking to see them. He had experienced no opposition on the part of the mining interest to the clause as it stood; but he was bound to consider the objections of owners to any greater amount of publicity.

MR. BROWN suggested that the prescribed term should be five years.

MR. ASSHETON said, he must persist in asking for an explanation of the object of locking the plans up at all.

MR. HERMON said, an error in the tracings would subject an owner to a penalty or imprisonment for an offence under the Bill, and that would be rather hard for an inadvertent mistake committed in an effort to assist the Secretary of State.

Amendment *negatived.*

Clause *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

COLONIAL GOVERNORS PENSIONS BILL—[BILL 176.]

(*Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3.

MR. BAILLIE COCHRANE proposed in page 2, line 2, to leave out the word "fifteen," and insert "twelve," with the view of enabling an annual increment of pension to be given to Governors after 12 years' service.

Amendment proposed, in page 2, line 2, to leave out the word "fifteen," in order to insert the word "twelve."—(*Mr. Baillie Cochrane.*)

MR. KNATCHBULL-HUGESSEN said, he must oppose the Amendment. The Bill passed in 1865 gave Colonial Governors a maximum pension after 18 years' service, and a minimum after 12. There was a jump from 12 to 18, but no intermediate step. Now, it seemed to the Colonial Office that if a man had served 15 years, it was rather hard that he should still receive only the minimum pension, and, therefore, it was now proposed to give an annual increment after 15 years' service, but calculated in such a way as to throw no additional charge on the public Revenue. But his hon. Friend's Amendment, by proposing to reduce the terms of years, would at once impose an additional charge on the public.

MR. RYLANDS, in opposing both the Amendment and the clause, said, he must maintain that the result of the scheme proposed by the Government would be to entail on the public an additional charge.

MR. SCLATER-BOOTH said, he failed to see how, if this measure was intended to confer a pecuniary benefit upon Colonial Governors ceasing to be employed, it could fail to be a charge upon the public funds.

Question put, "That the word 'fifteen' stand part of the Clause."

The Committee *divided:*—Ayes 134; Noes 8: Majority 126.

On Question, "That the Clause stand part of the Bill?"

MR. RYLANDS said, the observations which had been offered had proved so clearly that the Bill was one which would increase the public charge that he proposed to divide against the clause.

MR. KNATCHBULL-HUGESSEN said, that the clauses of the Bill had been carefully considered by the authorities at the Treasury, who thought them quite satisfactory.

MR. RYLANDS said, in that event, some explanation ought to be given by the Treasury. He should move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Rylands.*)

Question put.

The Committee *divided:* — Ayes 20; Noes 111: Majority 91.

On Question, "That the Clause stand part of the Bill?"

Question put.

The Committee *divided:*—Ayes 108; Noes 22: Majority 86.

Clause 4.

MR. KNATCHBULL-HUGESSEN said, he proposed to negative the clause, because he doubted whether it did not create a charge on the Imperial Exchequer, reserving the right, if it did not, to introduce a clause on the Report.

MR. BAILLIE COCHRANE said, there was very little good in the Bill before, and that if this clause were taken out the Bill would be worthless.

MR. R. N. FOWLER said, he regretted the course of the discussion, because it indicated a "shabby" disposition towards an important service.

Clause *negatived.*

Preamble *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* next.

VICTORIA PARK BILL.

Bill read a second time, and *committed* to a Select Committee of five Members to be nominated by the Committee of Selection.

Ordered, That all Petitions presented during the present Session against the Bill be referred to the said Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the said Bill against the said Petitions.

Ordered, That the Committee have power to send for persons, papers, and records; Three to be the quorum.—(*Mr. Ayrton.*)

MERCHANT SHIPPING AND PASSENGER ACTS AMENDMENT BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Merchant Shipping Acts and the Passenger Acts.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PEEL.

Bill *presented,* and read the first time. [Bill 216.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 28*th June,* 1872.

MINUTES.] — SELECT COMMITTEE — Landlord and Tenant (Ireland) Act, 1870, The Earl of Stradbroke *added* in the place of The Earl of Dartrey.

PUBLIC BILLS—*First Reading*—Education (Scotland)* (183); Drainage and Improvement of Lands (Ireland) Acts Amendment * (184).

Committee—Bankruptcy (Ireland) Amendment * (177); Debtors (Ireland)* (175).

Committee—Report—Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2)* (172).

Report—Pier and Harbour Orders Confirmation (No. 2)* (134).

Third Reading—Union of Benefices Act Amendment* (21); Review of Justices' Decisions* (164), and *passed.*

FRANCE—DEPORTATION OF POLITICAL PRISONERS.—OBSERVATIONS.

THE MARQUESS OF CLANRICARDE called the attention of their Lordships to the Correspondence between Her Majesty's Government and the Government of France respecting the deportation of Communists to this country. He said, that although the French Government had undertaken that this practice should be discontinued, yet the Papers that had been laid upon the Table on the subject were most unsatisfactory. Nothing could be more absurd than for the French Government to put these Communists who had been landed in this country on the footing of political refugees or exiles who had voluntarily come among us, and it was with extreme reluctance that the French Government had yielded to the remonstrances of the noble Earl the Secretary of State for Foreign Affairs. These Communists were either paupers with whom the French Government did not know how to deal, or they were criminals. The latter was for the most part the case, for under the name of Communists they had been guilty of plunder, arson, and murder. It was ridiculous, therefore, to argue, as M. de Rémusat had argued, that England was bound to receive these men, because we afforded a refuge to political refugees, properly so called. The Government of the United States adopted measures to prevent the emigration of paupers to that country, and he thought it would be well for Her Majesty's Government to consider whether a change might not be effected in our laws for the purpose of keeping off objectionable persons from the shores of England.

EARL GRANVILLE replied that the Correspondence which had been presented to Parliament showed the opinion of Her Majesty's Government on this subject, and that he had not failed in representing those opinions to the French Government, and a passage in one of Lord Lyons's despatches showed that the President admitted the validity of our remonstrances. It was supposed that the Correspondence had closed upon the whole matter. It turned out, however, that that was not the fact, inasmuch as he had recently received a communication from a railway manager (Mr. Knight) connected with the South-Eastern Railway Company, conveying the information that another group of 12 French Communists had been landed in England. He (Earl Granville) thereupon felt it to be his duty to give instructions to Lord Lyons on the matter. Lord Lyons immediately communicated with M. de Rémusat, the French Minister, who seemed astonished, and said that the French Government would much regret it if it had really occurred; and he assured Lord Lyons that an inquiry would be at once instituted, with the view of preventing the recurrence of such a proceeding. When that inquiry terminated it would, of course, be his (Earl Granville's) duty to inform their Lordships of the result. As to the suggestion of the noble Marquess that there should be a change in the law, he was afraid his noble Friend had not taken into account the difficulties which were sure to present themselves in the framing of such regulations as might be desirable.

THE EARL OF MALMESBURY thought that in the communications between the two Governments on the subject of those deportations his noble Friend the Foreign Secretary had shown great judgment and considerable forbearance. On the other hand, it should be admitted that the French Government must be placed in great difficulties as regarded the disposal of their prisoners, who were almost overwhelming in numbers. He wished, however, to call attention to an episode which had occurred while these communications were being exchanged. His noble Friend having stated in the course of the Correspondence that none of these Communists could be admitted into this country without a *visa* from the British Minister, it appeared that a M. Bocquet, who had been sentenced by a French Court to five years' imprisonment for the part he had taken in the doings of the Commune, managed to get back to this country, from which he had gone away during the war, and to get restored to his Professorship in London University College School, which he had previously filled for 10 years. There could be no doubt that M. Bocquet got back from France with the connivance of some of the French officials. There ought to be no morbid sympathy—in this country, at all events—for these Communists. The Communists of Paris as a body surpassed all former criminals who had ever committed atrocities in France—including even those who shed so much blood during the Reign of Terror. It was impossible to put men, for whom there was no name bad enough, on the same footing with the Poles or the Italians, who were exiled because they had fought for their country against the foreigner, or with other refugees who had struggled for their political opinions. Had these Communists the least feeling of honour they would have respected the misfortunes of France when the Prussians were at the gates of her capital; but, instead of that, they brought about a civil war while the Prussians were still on French soil—and, indeed, there was no assassination at which they stopped short from the day when they murdered two innocent Generals till that on which they put to death the Archbishop of Paris and the other hostages. They ended their misdeeds by destroying by fire their own capital city. It was impossible to feel sympathy for such men. There was one sentiment deeply rooted in the heart of all Revolutionists, and it was that of intense vanity. M. Bocquet, not content with having been received with open arms at London University College, and restored to the place which had been "kept open" for him, must write a letter to *The Times*, in which he gave an account of himself. It appeared that he came to this country after the troubles in 1848—that remarkable period of political revolutions—and almost immediately afterwards obtained the appointment of Professor of French in the London University College School. Having described all he had suffered in a French prison, M. Bocquet stated that he left England to assist in the defence of Paris against the Prussians. That was all right enough; and if he had come back to England after the Prussians had entered Paris, no one would have grudged him the restoration of his employment; but M. Bocquet remained in Paris, was Mayor of the Fifth Arrondissement—that of the Pantheon—and commandant of a battalion of the National Guards; and afterwards, as he stated in his letter, "being an old Republican," he, "as a matter of course," acted with the Republican force "against the Royalists at Versailles." The Royalists thus alluded to were the Republican Government, at the head of which was M. Thiers! What seemed particularly strange was a statement in the Correspondence that Mr. Stansfeld, one of the Members of the Government, was reported to have said to another gentleman that neither Lord Granville nor he (Mr. Stansfeld) had any right or wish to refuse a *visa* to M. Bocquet, although the Papers showed that Lord Granville had positively done so.

PALACE OF WESTMINSTER—THE FRESCOES OF THE VICTORIA GALLERY.

QUESTIONS.

VISCOUNT HARDINGE asked Her Majesty's Government, Whether the attention of the Chief Commissioner of Works has been called to the condition of Mr. Maclise's Frescoes in the Victoria Gallery, and whether any Report has been made on the subject?

THE DUKE OF ST. ALBANS said, the attention of the Chief Commissioner had been directed for some time to the decay which was manifesting itself in the frescoes of Mr. Maclise, and an investigation was now going on to ascertain how that decay could be arrested.

VISCOUNT HARDINGE asked, Whether the House would be informed of the nature of the investigation?

LORD REDESDALE observed that evident symptoms of decay were manifesting themselves in the frescoes in such of the corridors as were much exposed to the action of the air.

THE DUKE OF ST. ALBANS said, that Mr. Abel, the chemist, was making the chemical investigation. The process proposed for arresting the decay was that of Mr. Wright, which had been employed in other cases with satisfactory results.

House adjourned at Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 28*th June*, 1872.

MINUTES.] — NEW WRIT ISSUED — *For* the Southern Division of the West Riding of the County of York, *v.* Viscount Milton, Chiltern Hundreds.

NEW MEMBER SWORN—Francis Bassett, esquire, *for* Bedford County.

PUBLIC BILL—*Report*—Pier and Harbour Orders Confirmation (No. 3) * [171, 217].

The House met at Two of the clock.

ENDOWED SCHOOLS ACT (1869).

QUESTION.

MR. SALT asked the Vice President of the Council, Whether, inasmuch as the Endowed Schools Act, 1869, expires in the present year (unless renewed for another year by Her Majesty in Council), he proposes to introduce a Bill during the present Session to prolong the period of the operation of that measure; and, if so, whether he proposes to alter or to extend the powers granted to the Commissioners under the Act?

MR. W. E. FORSTER said, he must refer the hon. Member to the answer he gave to a similar Question some time ago, when he said that the Government would make use of the power given to them by the Endowed Schools Act, and issue an Order in Council renewing the power for one year. It was, therefore, not the intention of the Government to introduce a Bill during the present Session on the subject.

GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH.

QUESTIONS.

VISCOUNT CRICHTON asked the First Lord of the Treasury, If his attention has been called to a letter in the "Freeman's Journal" of the 25th instant, purporting to be addressed by the Earl of Granard, Lieutenant of the county Leitrim, to the meeting held in Dublin on the 24th of June for the purpose of protesting against the Judgment pronounced by Mr. Justice Keogh upon the Galway Election Petition, in which letter the language of that learned Judge is characterized as "scurrilous invective, and insulting accusations;" whether he considers such language towards one of Her Majesty's Judges befitting the head of the magistracy of a county; and, whether he will take any steps to ascertain the authenticity of the letter?

SIR ROBERT PEEL: Sir, before that Question is answered, as I wish to ask another, I wish to observe that the House must recollect that on Monday week I asked the right hon. Gentleman whether the Government or the Lord Chancellor of Ireland had taken any step in vindication of the dignity of the Judicial Bench, in consequence of the outrages that had been committed upon the person of Mr. Justice Keogh, such as the slanders referred to by the noble Lord? Now, it is a matter of very great importance that the right hon. Gentleman should answer this Question to-day, because I believe that in the course of next week Mr. Justice Keogh will be going circuit in Ireland. Mr. Justice Lawson is to accompany him, and he has been warned not to travel in the same coach with him lest he should be shot. Mr. Justice Keogh's wife has also received letters of a most scandalous description, threatening her husband. It is, therefore, of the utmost importance that the right hon. Gentleman should inform the House and the country what steps have been taken by the Lord Chancellor of Ireland in his position as Lord Chancellor, and acting with the impartiality which should govern his acts, for the purpose of stigmatizing such conduct as that referred to by the noble Lord. I beg to give the right hon. Gentleman Notice that if his answer be not satisfactory I will move the adjournment of the House, with the view of having the whole subject discussed without further delay.

MR. CALLAN rose to address the House, but

MR. GLADSTONE at once interposed, and said: I must beg to be allowed to answer Questions as they arise, as it is impossible for me otherwise to do them justice. The right hon. Member for Tamworth (Sir Robert Peel) has put his Question in a tone to which I must say I am not entirely accustomed, and which I do not think consistent with the relations that ought to subsist between Members of this House. [Sir ROBERT PEEL: In what particular?] But I shall give to the right hon. Gentleman an answer which I think will be quite as much as he can reasonably expect, because, although he states this is an urgent matter, which admits of no delay, he has given me no intimation of his intention to put this Question to me. [Sir ROBERT PEEL: I did so last Monday week.] Nor did he on the former day give any intimation of his intention to put the Question. What I have to say is, that every precaution which can be taken by those who are responsible for the administration of Government has been taken for the protection of Mr. Justice Keogh, and likewise everything has been done to support the law, and to punish those who break the law, which could suggest itself to the minds of Her Majesty's Government. Beyond that, I must leave the right hon. Gentleman to consider whether, with regard to the interests he has at heart, he is acting prudently in giving the details he has done on the present occasion. The duty of the Executive Government is perfectly plain. It is to do all that lies in their power for the protection of all persons, especially those holding the high office of Judge, for the vindication of the law, and for the punishment of those persons who break it. With reference to the Question of the noble Viscount (Viscount Crichton), my attention has been called to the letter in *The Freeman's Journal* to which he alludes. Beyond saying that, I beg leave to decline to answer the Question which he has put, and that upon two grounds. The Lord Lieutenant of a county is an officer of State, and in my opinion any allegation against him of any offence which he may commit—if he commits an offence—is not a matter to be disposed of consistently with the respect which is due to his office in an answer to a Question. The House of Commons is disposed to give much indulgence to Ministers in making replies to Questions; but I look on the matter involved in this Question as one of such considerable gravity that I do not think it ought to be dealt with by way of reply to a Question addressed to the Government by an independent Member of this House. Besides that difficulty, I have another reason, and it is this—I do not think that the time has arrived for any declaration of opinion by Her Majesty's Government upon any of the expressions that have been used by any persons or parties in Ireland with reference to this very grave question—apart from what I have just said with regard to the vindication of the law, which is a totally different matter—the time, I say, will not have arrived either for that declaration of opinion or for the discussion of the question of the exercise of executive discretion until the whole case shall be in the possession of Parliament, by the publication of the whole or the essential portions of the evidence, and on which depends the judgment to be formed of the proceedings that had to be taken, and consequently a judgment formed upon the language used by those persons who had commented on the case.

Sir JOHN GRAY asked the Chief Secretary for Ireland, If it is true that a form of declaration with reference to the subscription being raised to defray the expenses of the Galway Election Inquiry was sent to the members of the police force, Dublin, or any portion of them, by the officers of the force, or the Commissioners, and that the services of some members of the force who refused to sign such declaration were "dispensed with?"

The Marquess of HARTINGTON said, he had been informed, in answer to inquiries which he had made, that no form of declaration with reference to the subscription being raised to defray the expenses of the Galway Election Inquiry had been sent to the police force, or any portion of it, by the officers or the Commissioners of Police. What had occurred was this—On the 8th of June a letter appeared in *The Freeman's Journal* with the signature "One of the C Division," stating that a few members had subscribed £1 5*s.* 6*d.* towards the "Nolan Defence Fund." Thereupon it appeared that certain members of the force who felt annoyed that the police should be publicly mixed up with political matters drew up and signed the declaration referred to by the hon. Member. It was their spontaneous act, and the document was left on the desk in the Reserve Room at the station for any man to sign it who felt so inclined.

Sir COLMAN O'LOGHLEN asked Mr. Attorney General for Ireland, What steps he has taken to carry out the Order of this House, of the 13th of June, that a Copy be laid before it of the judgments pronounced by the several Judges of the Court of Common Pleas in Ireland, on the Special Case laid by Mr. Justice Keogh before that Court respecting the late Galway Election, and when their judgments would be presented to the House?

The ATTORNEY GENERAL for IRELAND (Mr. Dowse) said, there was no doubt that an Order had been made by the House for the production of these judgments, and he was informed that the Order had been served in the proper quarter. There would be some delay, however, in the matter, owing to the circumstance that there was no authorized reporter of the Court of Common Pleas in Ireland; but he was informed that the judgments would be obtained, and that they would be laid on the Table of the House with as little delay as possible.

POST OFFICE—TELEGRAPH DEPARTMENT—CLERKS AT THE GLASGOW TELEGRAPH OFFICE.—QUESTION.

Mr. SYNAN asked the Postmaster General, Whether it is true that fifteen clerks have left the Glasgow Telegraph Office and entered the service of the Anglo-American and other Companies; and, whether or not in consequence of the low salaries under the present classification?

Mr. MONSELL said, eleven telegraph clerks had left the Glasgow Office in the last six months. Of these, two had taken service in the Anglo-American Telegraph Company; one had joined the Royal Engineers; and he did not know what had become of the others. It was however, to be presumed they had all left in the hope of improving their position.

PUBLIC HEALTH BILL.—QUESTION.

Mr. RYLANDS asked the President of the Local Government Board, If it is the intention of the Government to proceed with the Public Health Bill this Session, and, in that case, if it is proposed to withdraw any of the provisions contained in the Bill?

Mr. STANSFELD said, it certainly was the intention of the Government to proceed with the Bill. His hon. Friend and the House were aware that he committed the Bill *pro formâ* last night, with the view of moving certain Amendments and omitting certain clauses. However unwillingly, he had been obliged to come to the conclusion, considering the advanced period of the Session and the pressure of Public Business, that it had become necessary, in the interest of the Bill itself, to do what was sometimes called "throwing part of the cargo overboard." He had considered what sacrifices it would be requisite to make in order to insure the passing of a measure which it would be worth the while of Parliament to pass. Last year, he might remind the House, they consolidated certain departments under the Local Government Board. Most hon. Members were aware that the Bill upon the Table might be divided into three parts—the first part organizing local sanitary authorities; the second, which was the body of the Bill, giving new powers to those authorities, and imposing new duties upon them; and the third part containing a number of miscellaneous clauses, some important, some merely conferring facilities for procedure upon the local authorities. The best course to take appeared to be this—to rest satisfied for the present with the consolidation and concentration of the local authorities, and to withdraw the clauses with reference to nuisances, hospitals, rivers and other matters, thus making it a Bill for constituting the new sanitary authorities and giving them some facilities.

MR. CORRANCE asked the right hon. Gentleman, whether he could name a day for bringing on the Bill?

MR. STANSFELD said, it was impossible at this moment to name a day until the Mines Bill had been disposed of.

COLONEL BARTTELOT asked, whether any determination had been come to as to the expenses in connection with the Bill?

SIR HENRY SELWIN-IBBETSON asked, whether, when the Mines Bill had been disposed of, precedence would be given to the Public Health Bill in preference to the Licensing Bill?

MR. STANSFELD said, the Government were not yet in a position to fix a day for bringing on the Bill, but would take the earliest opportunity of giving the best possible notice. On the Motion that the Speaker do leave the Chair he would give the best explanation in his power with reference to the question asked by the hon. and gallant Gentleman (Colonel Barttelot.)

SIR HENRY SELWIN-IBBETSON, said, he must ask the Prime Minister himself to inform the House whether it had been decided that the Public Health Bill should have priority over the Licensing question?

SIR MICHAEL HICKS-BEACH asked the right hon. Gentleman, Whether, bearing in mind the period of the Session, he would not take care that the Corrupt Practices Bill should follow the Mines Bill?

MR. GLADSTONE said, he was sure the House would smypathize with the Government in the difficulties in which they stood in meeting the relative and rival expectations and demands, all of them very reasonable, of various hon. Members. The desire of the Government was, as had been shown in the remarks of his right hon. Friend (Mr. Stansfeld), to place before the House such a portion of the essential legislation of the Session as could be disposed of in a reasonable time, and not to let Bills accumulate on the Paper to a late period, and then be obliged to withdraw them. It was with that desire that the Government looked forward to be able to deal with the three subjects referred to in a manner and within a period that would insure the effective attention of the House, without drawing unduly on its strength and patience. He hoped that for the moment hon. Gentlemen would be satisfied with that answer, and would leave the Government to see what could be done.

WATER SUPPLY (METROPOLIS)—DEARTH OF WATER IN BERMONDSEY

QUESTION.

MR. KAY-SHUTTLEWORTH asked the President of the Board of Trade, What information he has obtained as to the dearth of water in a large district of London, Bermondsey and Rotherhithe, supplied by one of the Metropolitan Water Companies; and what steps are being taken by the Board of Trade and by the Water Company to avert the dangers to health which would result from a continued deficiency in the water supply?

MR. CHICHESTER FORTESCUE said, he had received that morning the Report of the Inspector of the Board of Trade on that subject. It came to this—that the complaint of a deficiency of water at Bermondsey and Rotherhithe was well founded; that for several days the deficiency was of a serious character; that the immediate cause of the deficiency was the choking up of the filtering beds by weeds; but the real cause of it was a want of a sufficient head or store of water at the Company's works; another cause which had contributed to the mischief being the defective fittings in the poorer houses of the district itself. The water company was taking the only step calculated to avert danger to the water supply in future by erecting at a large cost some important works, including a large reservoir, at Nunhead. At the present moment the supply of the district was ample; but he was bound to add that what had occurred ought to induce the water company to carry on the necessary improvements with all possible speed, as the only means by which they could be prepared for such emergencies as had occurred the other day.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

CONSIDERATION OF LORDS AMENDMENTS.

Lords Amendments *considered.*

On Lords Amendment making special provision for the death of a candidate between the nomination and the poll,

MR. W. E. FORSTER moved that the House agree with this Amendment, which remedied a mistake in the Bill arising from his having omitted to bring up a clause on the subject on the Report.

First Amendment *agreed to.*

Page 2, line 7, leave out from ("candidates") to ("after") in line 18, and insert—

("Each ballot paper shall have an official mark on the back and a number printed on the back, and shall have attached a counterfoil with the same number printed on the face.

"Every voter, on application to the presiding officer, shall receive a ballot paper, and the presiding officer shall in the presence of the agents (if any) of the candidates enter on the counterfoil of the ballot paper the number of the voter on the register, and shall enter on the copy of the register with which he is supplied a cross or other mark denoting that the voter has received the ballot paper, but not showing the particular ballot paper which he has received.

"The voter shall place a cross or other mark in the figure of a square printed opposite the name of the candidate or each candidate for whom he votes.

"The voter having thus marked on the ballot paper the candidate or candidates for whom he votes shall fold up the ballot paper so as to show the official mark on its back, and shall exhibit to the presiding officer such mark, and then in the presence of the presiding officer put the ballot paper into the ballot box.

"At the close of the poll the presiding officer shall in the presence of the agents of the candidates or such of them as may be present seal up the counterfoils of the ballot papers and send them by the earliest practicable post to the Clerk of the Crown in Chancery.

"Any ballot paper on which a cross is put opposite to the names of more candidates than the voter is entitled to vote for, and any ballot paper having anything written thereon other than the mark or marks made by the voter, shall be void, and shall not be counted"),

the next Amendment, read a second time.

MR. W. E. FORSTER: Sir, it is now my duty to move that the House disagree from this, by far the most important Amendment which has been made in the Bill by the other House. It is the omission of the words contained in the Bill as we sent it up to the other House, describing the manner in which we thought the vote ought to be taken, and inserting other words in their place. The practical effect of the words so inserted by the other House is to replace the Ballot Bill which we sent up to them by a fresh Ballot Bill. Notwithstanding the importance of the Amendment, however, I shall detain the House as shortly as possible in giving my reasons why I think this Amendment cannot be accepted; and I shall be thus brief on two grounds—in the first place, because I think that the House does not desire that there should be more discussions than is absolutely necessary upon this question—and certainly I do not expect that hon. Members will bear an unnecessarily long statement from one who has had to trouble them so often on this Bill, although, I must say, they have listened to me with a patience for which I am most grateful; and, secondly, because in being thus brief I shall be imitating the mode in which this Bill has been treated by the Lords, seeing that their Lordships, in an hour or two one evening, passed a fresh Ballot Bill, which completely replaces the measure which occupied us 12 days in Committee this year, after its details had been thoroughly thrashed out during a discussion which lasted 20 days last year. I can only account for the brevity with which the House of Lords treated the measure, by supposing that they regarded it as a matter of detail, in which the House of Commons was more likely to be interested than they themselves were; whereas the question before us regards a matter on which we came to a decision after long discussion and many divisions. After the greatest possible deliberation we adopted the view of the matter which we believe our constituents also take on the subject. The words which have been struck out of the Bill by the House of Lords are those by which we intended to give effect to that view—namely, to secure that the vote should be secretly given, and also that nothing should be put upon the voting paper by which the vote could be identified. By the words which the Lords have inserted the first of these objects has been entirely frustrated, and the identification of the vote has been rendered much more easy than we desired should be the case. The substituted words carry out three or four objects. In the first place, the provision for secrecy is omitted; and, as I have already observed, that is the most important of these Amendments. There are, however, other objects carried out by these words, which, although of less vital importance to the measure, I trust the House will not lose sight of. Thus, by the Lords' Amendment, the voting paper is permitted to be delivered to the voter outside the booth. Now, that the House, after several divisions, came to the decided conviction could not be allowed, the experience of other countries, as in France and America, where such a practice is in force, showing that the greatest inconvenience arises from the voting paper being handed to the voter before he enters the booth. Then, again, the official mark is permitted by the Amendment to be affixed to the voting paper before the time of voting. The result of permitting that to be done would be to facilitate the discovery and the forging of that mark. The Amendment further permits the vote to be recorded without the official mark being recognized. The Amendment also gives a power of following the vote by means of what is called a scrutiny. My right hon. Friend at the head of the Government stated yesterday that wishing, as we do, to meet the other House of Parliament as far as we can, and being very anxious that, if possible, this matter should be settled this year, we have, although with reluctance, consented to a power being given of following the vote in certain cases by means of a scrutiny; but if such a power is given it is absolutely necessary that some safeguards should be determined upon similar to those contained in the Bill introduced by the noble Lord the Chief Secretary for Ireland a year or two ago. The scrutiny proposed by the House of Lords is without any safeguard whatever. There are three safeguards which were in the Bill of the noble Lord which we think necessary in reference to a scrutiny. In the first place, it is important that the vote shall be inviolable, except when it has been ascertained to be invalid. It is not improbable that the Lords intended their Amendment to secure that object; but it does not do so to the necessary extent, and, therefore, we think it desirable to amend the provision inserted in the Bill by them. In doing so, we shall be carrying out the recommendation of the Committee which sat to consider this question three years ago, and which recommended that there should be a scrutiny under certain circumstances, but that it should be surrounded with this safeguard. Then, again, there is no safeguard in the Lords Amendment, requiring the officers and agents employed in the booth to preserve secrecy. The Bill of the noble Lord contained a provision on this point, that the officers and agents should make a declaration of secrecy, and inflicted penalties upon them in the event of their violating it. We intend to introduce Amendments in accordance with these views, and also to secure that the numbers of the votes shall not be known while the latter are being counted. I cannot imagine that there will be any objection to these safeguards on the part of either House of Parliament, as they merely secure that while, where necessary, the vote can be traced, the principle of secrecy shall not be transgressed more than is absolutely necessary. But while making this concession, we must ask the House to disagree from that part of the Lords Amendments which brings in what may be termed the optional and permissive Ballot in place of the compulsory Ballot, and which thereby, as we conceive, makes the Ballot Bill useless, or worse than useless. I am well aware that, in the course of the discussion about to take place, it may be urged that the result of the deliberation in Committee was against the principle of compulsory secrecy, because the penal clauses were struck out; but nothing could be more unreasonable than such an assumption. It is perfectly true that the Committee declined to fix any special and peculiar penalty as a punishment for the display of the voting paper; but it is also true that, after repeated divisions, the House sent up to the House of Lords a measure enacting that the voting should be secret, and containing provisions which would enable the law to be vindicated if there was any combined or serious attempt to break it. That was the extent to which the House was willing to go, and it seems to me that, in this law-abiding and law-loving country, that was sufficient to secure that voting should be secret in future. The Lords Amendment, on the other hand, introduces provisions which would enable any voter to be bribed or bullied into voting openly, and the Bill so altered in our opinion takes away many of the advantages of open voting and gives us none of the secret voting. I presented a Petition to-day from the Ballot Society, in which they state, what is, in fact, my own opinion, that sooner than accept the proposal of the Lords upon this point it would be better to wait for the Ballot Bill another year. I beg to move that this House disagree from this Amendment.

Moved, "That this House doth disagree with The Lords in the said Amendment."—(*Mr. W. E. Forster.*)

Mr. DISRAELI: Sir, I am very sorry that Her Majesty's Government have arrived at the determination just announced. I am sorry also to hear the Bill described by the right hon. Gentleman as now "useless and worse than useless," which, even assuming that the Lords Amendments will have the effect he supposes, appears to me, from his own point of view, to be an exaggerated expression. I am glad, however, to hear that Her Majesty's Government have virtually assented to the Amendment of the Lords that there shall be a scrutiny, and that there shall be some protection to the constituent body from the vice of personation. When we have before us in detail the safeguards to be suggested by Her Majesty's Government, as applicable to the exercise of that scrutiny, of course, we shall be better able to judge of their import. I confess, so far as I can follow the right hon. Gentleman, there really did appear to me to be no important difference between the proposals of the Lords and that of Her Majesty's Government, coupled, as it is to be, with so-called safeguards. I do not imagine, therefore, there will be any great difference of opinion between the two Houses upon that matter. I now proceed to the next point, which the right hon. Gentleman has described as an alteration, which has made the Bill "useless and worse than useless," and with regard to which I am astonished at the different impressions which Gentlemen in this House have received from Acts which appear to me to be sufficiently clear. I cannot conceive how this Bill can be described, as it comes down to us with these Amendments, as "useless and worse than useless," when, so far as I can read the Bill, this is an Amendment which only extends a principle before contained in the Bill, and to which Her Majesty's Ministers had given their assent. The House is quite aware, for example, that the permissive Ballot—or optional Ballot, to use an expression which the right hon. Gentleman has adopted—was extended in the Bill, as it went down from the House of Commons, to a class of Her Majesty's subjects; and the only question is this—Is it prudent in the Lords to extend to the whole of Her Majesty's subjects the privilege which the House of Commons conferred on only a portion of those subjects? The House is perfectly aware that as the Bill left this House the class of Her Majesty's subjects which is described as the "illiterate" class might have the advantage of the optional Ballot; it is therefore necessary that if the House precipitately adopts the present most imprudent proposition of the Government, it should clearly see what is its probable operation. If hon. Gentlemen will look at the last Report of the Registrar General, they will find it stated that of every 100 men who are married in England 20 cannot sign their names. This is an important and authentic piece of official information. We may, therefore, take it for granted that the proportion of the constituency who would be described as illiterate is one in five. The Bill which we sent to the House of Lords thus proposed that one in five of the present constituency, because they cannot sign their names, shall have permission to use the optional Ballot. But, let me ask, what portion of Her Majesty's subjects is this illiterate portion? We may certainly assume that because they are illiterate, they are the humbler and the weaker portion of the constituency—the portion that we have always been told were most liable to corruption, and most exposed to intimidation. Therefore, as the Bill was sent up to the Lords we had taken security that those who were most liable to be corrupted, and who were most menaced by intimidation, should enjoy the privilege of having their votes known; so that those who wanted to corrupt them might prey upon them, and those who wanted to intimidate them might put them in fear. But it was for the comparatively and absolutely independent that we provided that they should submit to the degradation of secret voting. I say, under these circumstances, the Lords having received from us this extraordinary Bill—namely, a Bill to establish secret voting in order that the weaker classes of society should be saved from corruption and intimidation, and which yet provides for that class that their votes shall be open — I think it is not surprising that the Lords should have thought it more prudent to make the Bill comprehensive and consistent, and to provide that the classes that are independent, that are not corruptible, and that do not fear intimidation, shall still enjoy that which Englishmen always honour—publicity in the exercise of their duties. It appears to me, therefore, under these circumstances it is not the duty of the House to agree with the proposition which the right hon. Gentleman has made; but, on the contrary, that we ought to agree with this Amendment of the Lords, for I have heard no argument whatever which will meet the objections I have named. The Bill for secret voting, moreover, is an experiment which we have no evidence has been called for by the country. The House may perhaps recollect that at the close of last year I had occasion to point out to the House, by a reference to authentic documents, that less than one-fourth of the hon. Members of this House were pledged to the Ballot; and to make that proportion even I gave credit to every hon. Member in the present Parliament who had in previous Parliaments voted in favour of the Ballot; otherwise I do not believe that one-eighth of the hon. Members of this House were pledged to their constituents to support the Ballot. Hon. Members must remember, also, that in the very few places in which the Ballot was demanded the ideas associated with it were very different from those associated with this Bill. I believe at the present moment the general feeling of the country is not in favour of secret voting, and of this I am persuaded, that those who are in favour of it would rather have a permissive and optional Ballot, so that every man might at least have the choice of giving his vote publicly or secretly. That is another reason why we should support the Amendment of the Lords. But in coming to a decision upon this point, let the House recollect that though my view may be erroneous, and though there may be a feeling in some portion of the constituency in favour of secret voting, of course that sentiment would prevail among the humbler and weaker classes of society, that class for which—assuming that they wish for it —secret voting is not provided by this Bill; and, therefore, I trust the House will agree with the comprehensive and consistent change made by the Lords, for I believe that the Amendments which the House of Lords have made may reconcile the country generally to the Bill. Without them I believe it would be odious to the country, and for this reason, that it is in fact a measure that has never been called for or required by the country. The fact is the Government were in difficulties in the middle of the Session, and they availed themselves of this measure in order to reorganize their party. I believe that if the Government had not been treated so scurvily by their friends—I mean the Government of the United States—if they had not got into the difficulty about the Indirect Claims, they would not have found it necessary to force through this Bill. We have, year after year, been struggling to make political life more public. Publicity is now the soul of our political life. We owe to the principle of publicity our chief blessings. We have introduced publicity into the affairs of Parliament, into the judicial Bench, into the Press. Now we are called upon to act contrary to this course which we have so long pursued. I consider myself that the House of Lords have acted with wisdom and moderation in the matter, for if a more decided policy had been adopted I am not sure that they would have erred. The proper way to view the matter seems to be this —that there is one ground upon which the House of Lords might have been recommended not to have made any alteration in the Bill. I would have left the Bill quite untouched, merely adding a clause that it should only apply in cases where corruption and intimidation on a large scale had been proved. I would have had it viewed as a penal statute. I would have kept it in reserve like the Riot Act, to be only brought into use when the excesses of electoral society demanded it.

Mr. GLADSTONE: Sir, there is one allusion in the speech of the right hon. Gentleman on which I shall, advisedly, make no comment—namely, his criticism upon the question of the Washington Treaty. I refrain from it, because I am glad to take this opportunity of rendering to the right hon. Gentleman, as an opponent, my testimony to the signal prudence and forbearance with which he has conducted himself—and for the example which he has set to others—during the whole of the anxious period of the present Session since the controversy with the United States began. Having said thus much, I shall comment with some freedom upon the statement and arguments which we have heard from the right hon. Gentleman. He does not altogether approve of the course taken by the House of Lords on the subject under consideration. He would have the Ballot Bill confined to cases where corruption and intimidation had been proved on a large scale—he would have it reserved to be used like the Riot Act. Now, Sir, I presume the Riot Act is used for the prevention of rioting, and so, according to the right hon. Gentleman, the Ballot Bill is the effectual and best remedy for intimidation and corruption. The right hon. Gentleman further says that so far he has had no evidence whatever of the desire of the country for the adoption of secret voting. Now, I am desirous, if I can, to afford information on this subject to the right hon. Gentleman. At the same time, I am aware that the circle from which I can gather the information must of necessity be narrow; for if I were to quote the evidence of anyone sitting on this side of the House, or anyone connected with the Liberal party throughout the country, the right hon. Gentleman would take exception to that testimony. Therefore, I will look to the opposite side of the House, and I will ask, whether we cannot point out to the right hon. Gentleman some indications on the opposite side as to the true desire of the country. The right hon. Gentleman has heard—and I am now going to give his Friends an opportunity to cheer—the right hon. Gentleman has doubtless heard, during the present Session, of various Conservative triumphs at elections. He has heard of the election at Oldham, where a Gentleman of Conservative politics was returned, but who was an advocate of the Ballot. The right hon. Gentleman has heard of an election in the Isle of Wight, where a Gentleman of Conservative politics was returned, but one who declared his approval of the Ballot. The right hon. Gentleman has heard of the election at Tamworth, where a Conservative politician was returned, but was pledged to the Ballot. Lastly, the right hon. Gentleman has heard of the crowning victory of all—that of the North-West Riding of Yorkshire, where the stump Conservative was returned, but who was in favour of the Ballot. Having quoted all these Conservative triumphs, I hope it will not be thought invidious if I refer to one case that can hardly be claimed under that head—I mean the election which, while I am now speaking, is procceeding at Aberdeen. Now, Aberdeen is a city of which we, on this side of the House, have a very high opinion; but we are not the only persons that have a high opinion of it. A most distinguished Judge in Scotland—an eminent Conservative—who had had a large practice at the Bar throughout Scotland, was asked of what portion of that country he thought the population most fully deserved the commendations bestowed upon Scotland for her intelligence and sagacity, and his answer was—"There is no doubt at all that it is in the city and county of Aberdeen; for I can assure you, as the result of long practice, that it is of no use to talk nonsense to an Aberdeen jury." Well, Aberdeen is at this moment engaged in the constitutional expression of its opinion upon the politics of the day. I will not refer to the figures I hold in my hand exhibiting the state of the poll, because I do not wish to give pain to any hon. Gentleman opposite; but the Conservative candidate for Aberdeen, whose position on the poll is not altogether flattering, has likewise, as I understand, found it an indispensable condition of his standing for that city—nay, probably, of even finding a mover and seconder—that he should declare himself to be friendly to the Ballot. Now, Sir, I hope I have done something towards meeting the demand of the right hon. Gentleman for information tending to show the desire of the public for secret voting. Well, the right hon. Gentleman has further stated that he is surprised there should be any difficulty about the simple acceptance of a Bill which he has described in language all his own. The House of Lords, he says, have made the measure a comprehensive and consistent one. Sir, it was a masterpiece of the rhetorical art and experience of the right hon. Gentleman that while he submitted that statement to the House he kept his countenance. Sir, I will endeavour to submit to a short analysis and examination the character which the right hon. Gentleman has given to the Bill. He has fallen back upon statistics, and says that the last Report of the Registrar General indicates that one-fifth of the population cannot sign their names upon marriage, and the consequence he draws is that one-fifth the voters will be unable to read and write. Sir, I think the right hon. Gentleman must have a very poor opinion of the perspicuity of mind possessed by those whom he addressed and whom he expects to convince when he tenders us statistics of that character. One-fifth of the population who marry, he says, are one-fifth of the population who vote. Sir, we deny it. Marriage extends farther downwards in the population. I apprehend that the peasants in the villages of this country are in the habit of marrying. I have heard so, and I believe it; but I have not heard that they have the habit or the capacity of voting. Even in towns, among the non-voters, you will find a much larger proportion of those who are called illiterate than among the voters; but in the counties almost the entire mass of the illiterate will be found among the non-voting population. Therefore, the one-fifth of the right hon. Gentleman is a figure, undoubtedly, but a figure in more senses than one. It is a figure of arithmetic; it is also a figure of speech; and one of the boldest figures of speech among the many for the production of which the right hon. Gentleman is responsible that he has ever indulged in. I might also point out — only I do not wish to descend to minute points—that to be able to write your name is one thing, and to be able to read the names of candidates another and an easier thing. However, let us pass from that point. Having laid, I think, some ground for objecting to the statistics of the right hon. Gentleman, I must remark that besides misapprehending the proportion of the public with whom we dealt in passing the Ballot Bill, the right hon. Gentleman has paid no attention whatever to those provisions of the Bill which affect the illiterate voters. He says that as regards them we have established optional voting—that they are one-fifth of the constituencies, and that the House of Lords has only done the same in regard to the remaining four-fifths. Now, the right hon. Gentleman will allow me to say that in that statement he showed himself to be entirely mistaken as to the real points of the case. I will not dwell on the fact that though we acceded with great reluctance to a certain deviation from the strict objects of the Bill in favour of the illiterate voters, nothing but the hard alternative of a seeming indifference to their exercising the franchise would have induced my right hon. Friend and the Government to adopt that course; but we did not establish an optional Ballot even for the illiterate voters. We did—in deference to what appeared to be an absolute necessity—admit to the knowledge of the vote certain persons; but we required the strongest proofs that the man was really illiterate. That provision has been struck out by the Lords. We also imposed the strongest obligation of secrecy, backed by a penalty of six months' imprisonment, on those who were allowed to be taken into the confidence of the illiterate voter; but those penalties have disappeared from the Bill as it has come down to us from the House of Lords. Therefore, even if it was true that we had established an optional Ballot for a small portion of the population—not one-fifth, but more probably one-twentieth — it could not have been true that we sought to extend it; but it is, undoubtedly, inaccurate to state that we did establish optional Ballot on the fact even of that proportion. Finally, the right hon. Gentleman, in his recommendation of the consistency and comprehensiveness of the Amendments, appears to have overlooked the reasoning on which the whole proceeding was founded. According to the right hon. Gentleman, comprehensiveness and consistency mean nothing else but a rational and absolute uniformity of proceeding, quite irrespective of the circumstances to which those proceedings apply. In the case of the illiterate voter, what we did was to meet a difficulty which we did not find ourselves able to meet in any other way. What the Lords have done is to apply, not the same provisions, but provisions infinitely more lax and totally different in character in cases where there is no necessity whatever for them. We have no wish to quarrel over this matter. The Session is well advanced, the weather has been warm, and I hope will be warm again; and I trust under those circumstances that we shall not be found wanting in that good humour with which we, on both sides of the House, desire to conduct our proceedings. Under these circumstances, having made many steps forward to meet the right hon. Gentleman and the other House of Parliament, we are ready to make a similar advance now, without the sacrifice and infringement of our higher duties—and I am sure the right hon. Gentleman would not give us credit if we were ready to make such a sacrifice—we have endeavoured to avoid creating new differences, or widening the differences which already exist between us; but we do not use the language of exaggeration when I say that the principle of optional Ballot goes to the very root of the matter. It is true, as I have said—and as most of us have said—that practically the Ballot will be so far optional that there will be nothing to prevent any man who is so disposed from declaring to anyone he pleases the nature of the vote he has given, and that as regards a large portion of the constituency the manner of voting will be as well known after the Ballot as before; but, in order that there may be a really optional Ballot, I believe it is of absolute and inevitable necessity that within the polling-booth there should be no option at all. While the polling is going on, or in bringing the voters near to the process, anything in the nature of option would in many of our constituencies render this Bill "a mockery, a delusion, and a snare." I am using the language of simple, sober common sense, not of rhetoric or figure — though, perhaps, if I did use the language of figure it would be more acceptable to the right hon. Gentleman—when I say that if such provisions were allowed to remain in the Bill we should betray our trust to the people of England as its promoters, if we did not also disappoint some of those who had achieved Conservative triumphs by their advocacy of it. I therefore trust the House will not be indisposed to adopt the course of proceeding indicated by my right hon. Friend. I am quite sure they will not allow themselves to be deluded either by the inaccurate statistics or the illusory figures introduced by the right hon. Gentleman.

Mr. MONCKTON said, that having heard various statements made with regard to the opinion entertained by the constituencies on the question of the Ballot, he must beg to record his protest against the supposition that the feeling of the country was in favour of that measure. It was as an opponent of the Ballot that he had been elected; and he must remind the House that it was as opponents of the Ballot that the hon. Members for Plymouth, Truro, Cumberland, and East Surrey had last Session been returned. Intimidation had been referred to, but, speaking of county elections, where was it to come from? They were sometimes told, from the landlords. Well, in his own case, putting the landlords and tenants whom they might be supposed to influence out of the question, he had been returned by a majority of 700 freeholders. His constituents declared themselves against the Ballot, because, they said, if there was a compulsory secret Ballot, they would not be able to vote openly if they wished. He therefore protested against the statement that the country was in favour of the Ballot.

Mr. NEWDEGATE: Sir, I am confident that the House has listened with gratification to the able speech of the hon. Member for North Nottinghamshire (Mr. Monckton). The hon. Member has shown us that there are, as yet, young Gentlemen who are neither afraid nor ashamed to vindicate in this House the opinions of the constituencies who return them. I confess that I regret the course which has been pursued by the House of Lords on this subject. The House of Lords had a great issue to meet. They had a great choice to make. They have a representative character of their own to maintain, or, as the alternative, to accept the position of being a mere dependency of the House of Commons. Now, the House of Lords although not elected, have a representative character in this respect — if any measure goes up to them from this House, as to which they doubt the opinion of the country, they have the power, they have the function, they have the duty of rejecting such a measure, and of persevering in that rejection until the Prime Minister is compelled to apply to the Sovereign to dissolve Parliament. Thus the House of Lords have the function and the duty of forcing a direct appeal to the constituencies upon any important subject upon which they have reason to think that this House does not represent the deliberate judgment of the country. The representative character of the House of Lords rests upon their power of forcing a direct appeal to the country, and if this power be not exercised when its application is needed, the representative character of the House of Lords is lost. After what has passed in this House, I think it must be admitted, to say the very least, that it is a matter of doubt whether the country desires this secret voting. As the Representative myself of a great popular constituency, composed chiefly of freeholders, I know that they do not, and I believe that the country does not, desire secret voting. I lament that the House of Lords have been entrapped into a mistaken attempt to effect a compromise with the majority of this House upon this subject, because the opinion of the country has not been legitimately declared at a General Election; and an expression of opinion by this House ought not to be taken as conclusive by the House of Lords upon a constitutional question of the magnitude of the present, until it has been fairly submitted to the country by an appeal to the constituencies. What course, then, am I now to pursue in reference to these Amendments? Sir, I shall vote for every Amendment that the right hon. Gentleman the First Lord of the Treasury has declared to be inconsistent with the principle of secret voting—for every Amendment that is in any way directed against the principle of secret voting. I shall vote in vindication of the ancient and time-honoured, honest, open, electioneering system of this country. I shall do this in the spirit, in the temper, and on the principles of an Englishman. Look at Canada. What have the Canadians done in reference to this question? Canada lies along the United States of America, with a very extended frontier. The Canadians have watched the operation of the Ballot in the United States for many years; the new Dominion has been constantly receiving immigrants from the States, who know what are the dangers and vices of the Ballot by personal experience. Well, the adoption of the Ballot has been repeatedly proposed to Canada, and at length, upon some curious political contingency, it was accepted in New Brunswick, where it prevailed for 15 years, but when Canada became united, the able men who were delegated to frame the new Constitution of the Dominion unanimously rejected the Ballot. I cite the experience of Canada, then, in this respect, against all that has been said on the faith of the embryo example of Australia. I am not about to enter into the merits of the question; but I have said enough to explain why I intend to vote against the principle of secrecy at every possible opportunity.

SIR MICHAEL HICKS-BEACH said, he wished to allude to a view of this question which had been entirely overlooked in the debate. He would call attention to the fact that the Prime Minister and the right hon. Gentleman (Mr. W. E. Forster) had treated the action of the Lords as if they had sent them a new Bill, substituting optional secrecy for compulsory secrecy; but he (Sir Michael Hicks-Beach) ventured to assert that the Bill as it left that House was not a Bill for compulsory secrecy at all. He did not now speak of that large number of persons who were directly authorized to vote openly; he did not refer to the class of Jews, physically incapacitated or illiterate voters, although he ventured to predict that among many corrupt constituencies there would be found an extraordinary number of Jews and illiterate persons on the day of election. But he alluded to the general provisions of the measure; and it seemed to him that the House of Lords had only endeavoured to save Parliament from the folly of enacting a law which they had declined to insert penalties to enforce. Had they so soon forgotten what happened in the debate on the Amendment of the hon. Member for Huddersfield (Mr. Leatham)? The expression of opinion on the part of all who voted against that Amendment, with the exception of the right hon. Member for Pontefract (Mr. Childers), was in favour of permissive secrecy and against compulsory secrecy. The supporters of the Amendment were equally clear in their declarations, that without its adoption there could be no compulsion, and without compulsion there could be no secret Ballot; and the hon. and learned Member for Taunton (Mr. James) called upon the friends of the Ballot to support the Amendment of the hon. Member for Huddersfield as even more important than the second reading of the Bill. The hon. Member for Huddersfield, moreover, urged that the proposal of the hon. and learned Member for Oxford (Mr. Harcourt) would simply legalize open voting, and that for the proper carrying out of the measure penalties were necessary. The same argument was used by the Prime Minister, who said a penalty was necessary not only for the advantage of the voter himself, but for the security of his neighbour. The Committee, however, in almost the largest House of the Session, rejected the Amendment by a majority of 28, the Prime Minister afterwards, in reply to the hon. Member for Waterford (Mr. Osborne), admitting that the Bill had received a grievous blow. What was this decision but a vote in favour of the optional or permissive Ballot? The right hon. Gentleman (Mr. W. E. Forster) stated, both on the third reading and to-day, that a penalty was not necessary to enforce secrecy, but in the discussion on the Amendment he said this—

> "On asking the opinion of a legal gentleman he found the probability was that, inasmuch as by Section 2 a secret mode of voting was ordered, to display a vote would be an act of disobedience to that section, and according to the letter of the law an indictment for misdemeanour would lie against any person who disobeyed the law in this respect."—[3 *Hansard*, ccx. 1484.]

Mr. W. E. FORSTER remarked that he repeated that statement on the third reading, and had alluded to it to-day.

Sir MICHAEL HICKS-BEACH had already stated that, but would ask the right hon. Gentleman to listen to what he said afterwards, which he did not repeat on the third reading, or on the present occasion. This was how he continued—

> "He was also informed, on the same authority, that although such an indictment would be possible, it would probably not, according to the common practice of the law, be successful. The general practice of the House in passing provisions of this kind was, after declaring what they wished the Queen's subjects to do, to state what was the penalty for the transgression of the law This rule ought, in his judgment, to be observed in the present case."—[*Ibid.* 1484-5.]

He would appeal, too, from the right hon. Gentleman's words to his acts. He had had a considerable share in passing measures of elementary education for England and Scotland. In both those measures there were provisions for compulsory education. But would the right hon. Gentleman have been content with enacting that a father should send his child to school, without following it up by a penalty if he failed to do so? Now, the default of a parent in that respect was a criminal act, which, in the opinion of the great majority of the community, would call for punishment; but nobody would venture to assert that to vote openly was a moral offence, for it would simply be continuing to discharge a public duty in the way hitherto required by the law. If, therefore, it was to be punished, it was far more necessary to enact a penalty for open voting than for such a moral offence as the neglect to educate a child. But as no such penalty appeared in this Bill, how would it be interpreted? Could the House suppose that the Courts, if this Bill became an Act, would inflict a penalty on a man who wilfully gave an open vote? They would refer to the discussions in this House, and they would see that the House had declined to inflict a penalty, and they would not fine or imprison a man in defiance of the opinion of Parliament, possibly in September next, because he had acted on the opinion which the Prime Minister himself held in September last. The Lords had done their best to save this House and the country from a sham Ballot Bill—a Bill which, according to its authors, was one for compulsory secrecy, but which really did not enforce anything of the kind. If this House should disagree with the Amendment, the Lords would earn the gratitude of the country by declining to give way; for what most of the supporters of the supporters of the Ballot really desired was this—that a man afraid of voting openly might be permitted to vote secretly; but that no penalty should be imposed on a man who still wished to give an open vote. The Lords would thus accord protection to all who required it, without interfering with those who did not, and would save this House from a deceptive and inconsistent Bill.

Mr. GLADSTONE said, that having been referred to by the hon. Baronet he wished to state that he had given utterance to no such opinion as he had attributed to him. The opinions he expressed last September were precisely conformable to those he had enunciated to-day.

SIR MICHAEL HICKS-BEACH said, he had simply referred to the remarks reported in the public Press as having been made by the right hon. Gentleman in his Wakefield speech, which was not contradicted by him at the time.

MR. GLADSTONE said, he had stated on a previous occasion that the report was not an authorized one. He much doubted whether a reporter was even present, and what occurred was rather conversation than speaking.

MR. LEATHAM: Sir, I should have had some difficulty in replying to the hon. Baronet who has just spoken but for the circumstance that my right hon. Friend purposely introduced words into another part of the Bill, the object of which was to remove the ambiguity of which the hon. Baronet complains. These words were subsequently struck out in "another place." Now, Sir, there is sometimes this difficulty in discussing measures which come down to us after they have received the finishing touches of hereditary statesmanship—that it is almost impossible to consider them with becoming gravity. Here is a Bill which was sent up as a measure for enabling dependant voters to vote freely, because they were to vote secretly. It comes back to us a measure for compelling dependant voters to vote openly; for persons in that position will be allowed no choice. It was also a Bill for the discouragement of bribery, for the briber would never have known that he had value for his bribe. But as the Bill stands now he can secure that the bribed vote is given as openly as at present. My right hon. Friend (Mr. W. E. Forster) was therefore justified when he said that the Bill had been made "worse than useless," for it retains the form without the substance of the Ballot. In fact it is *Box et præterea nihil.* What then is the duty of the House? Why, to put the Bill back again; and if their Amendments are insisted upon in "another place," I trust that the right hon. Gentleman at the head of the Government will appeal to the country. I can assure him that there has been no question upon which any Government has gone to the country, within the memory of this generation, upon which that appeal has been more popular than it would be upon this. Let me say one word with reference to the scrutiny. I am aware that many hon. Members who sit near me object to a scrutiny, on the ground that even under the closest form of Ballot, it will take years for men who have been coerced to recover the full use of their consciences. But in asking us to abandon the scrutiny, they are asking us to renounce a privilege of importance, and one which is not seldom resorted to. Shortly after the last General Election I ascertained that in 20 per cent of the cases in which the seat had been recently vacated on petition, a scrutiny, or the threat of scrutiny, determined the final return. The right hon. Gentleman the Secretary for War has been seated on three distinct occasions by scrutiny. With the important restriction to which my right hon. Friend has referred—which will prevent a wanton scrutiny and votes from being challenged in order that they may be exposed—I do not object to a scrutiny, and, in fact, provided for such a scrutiny in the Bill which I had myself the honour to introduce. I cannot sit down without thanking the Government for the firmness of their attitude with regard to these Amendments, and I believe that I am expressing the opinion of many hon. Members who cannot take part in this debate, when I say that that firmness will win for the Government the support and confidence of the country.

MR. COBBETT said, that as he had been referred to by the Prime Minister as one who had been long pledged to to the Ballot, he hoped the House would allow him to explain why he was against this Bill. On the first occasion when he stood on the hustings he was asked by the people before him whether he was in favour of the Ballot or not. He told them he was ashamed of the Ballot, but that if they would assure him they could not vote as they liked because of the oppression of their masters, they ought either not to have a vote at all or to be protected by Ballot. He told them if they desired such protection he would vote for the Ballot. But the House would recollect that until this time they never had before them a Ballot Bill; that on all previous occasions when the Ballot was discussed they had before them merely abstract Resolutions, to the effect that it was desirable to take votes by Ballot. Except on one occasion, when the division came on too early to permit him to vote, he always voted with "Ballot Berkeley" as he was called, and he was prepared to vote that there should be vote by Ballot if he found the people persisted in requiring it, and if a proper Ballot Bill were proposed. By a large part of the House the present Bill was called a sham. He should have objected to it from the very beginning, because it would do away with open nomination. He held that a candidate should stand before the constituents to hear what they had to say to him, and that they might see and hear him. He was not for getting himself proposed in a shed, where there would be police officers to guard those who came to move and second his nomination, and therefore he was against this Bill. In his address to the electors he had denounced this Bill as a bungling piece of legislation, which favoured corruption, and that he objected to it; therefore the right hon. Gentleman ought not to have pointed to him as a person in favour of this Bill. He would do all in his power to prevent its becoming law.

Mr. HANBURY said, as he was about to vote against his party, which he did with great regret, he felt bound to give his reasons for taking that course. During his canvass two months ago, in nearly every house which he entered he was asked—"What line are you going to take with regard to the Ballot?" and he found that the feeling was so strong on that point that he felt it his duty to pledge himself to the Ballot. Having promised to do so, he was not going to shrink from the obligation into which he had entered, nor would he shirk his responsibility by saying that the Ballot Bill which he pledged himself to support was a different Bill from the present one. The Bill known to his constituents was the one which he supported now, and it was his intention to vote with the Government.

Mr. COLMAN said, he should support the Bill, because he preferred the prevention of corruption to its cure.

Question put.

The House *divided*:—Ayes 302; Noes 234: Majority 68.

Mr. W. E. FORSTER: Sir, I will now, in fulfilment of the pledge of my right hon. Friend yesterday and of myself to-day, propose to insert words which

acknowledge the principle of a possible scrutiny. In the 7th line of Clause 2, after the word "candidates," I propose to insert these words—

> "Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face."

I do not for a moment deny that it is with reluctance that I move this Amendment. It is a great concession made by those who are strongly in favour of the Ballot; but I think it is a concession which, rather than lose the Bill, it is wise for us to make. It is the one point on which most is to be said in favour of the Lords' Amendments. I shall not detain the House by repeating arguments which are familiar to hon. Members, but will repeat what I said last year, and it is this—that I always considered the importance of this question of a scrutiny exaggerated on both sides. The argument against a scrutiny is, that under it the way in which a voter gives his vote may be discovered, while the argument in its favour is that under it a bad vote may be traced and struck out. I believe that very few bad votes will be struck out under a scrutiny, and that a machinery can be made which will render votes with a possible scrutiny substantially secret. The suggestion of the Committee which sat to consider this subject—that there should be a scrutiny, was supported by the right hon. Member for Birmingham, whose assistance we should have been glad to have had on this question; but his approval of the plan was coupled with the condition that the vote should be inviolable until it was declared invalid. With that view I shall propose to follow this Amendment in the future clauses and in the Schedule by providing that the secrecy of the vote shall be secured as much as it can be secured, and that a scrutiny shall not be made use of merely to discover the vote; and I shall also have to propose another consequential Amendment, which I now allude to, to show both sides of the House that the Bill was scarcely considered with that attention in "another place" which we might have expected it would have received. The strongest argument in favour of a scrutiny is, that a bad vote may be traced under it and struck out, but as we in this House were unable to agree that scrutinies should be permitted, we inserted a clause to the effect that when a vote was proved to be invalid, a vote, but not the bad vote, should be struck out. The Lords having provided for a scrutiny, had left that clause in; so that, although they provided the machinery for identifying the bad vote, they merely required that a vote, and not the bad vote, should be struck out. I shall therefore have to move by-and-by that the clause to which I have referred be struck out.

Amendment proposed to the words reinstated by such disagreement,

To insert, after the word "candidates," in page 2, line 7, the words "Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face."—(*Mr. William Edward Forster.*)

Question proposed, "That those words be there inserted."

MR. JAMES said, that he was not content to allow the Amendment to pass without a challenge, and he proposed to take the sense of the House upon it. He admitted that he could have but little hope of defeating the combined forces of the Government and the Opposition, but still he felt it should be recorded on the Journals of the House that there were some here who declined to accept the Ballot accompanied by a scrutiny, and who would prefer a system of open voting to anything of the sort. He thought he should have but little difficulty in showing that a scrutiny ought not to be introduced into a Ballot Bill at all; not that he was about to detain the House with a long argument, but because those who were now about to vote for a scrutiny had over and over again argued and voted against it. Hon. Gentlemen opposite were perfectly consistent in accepting a scrutiny, but he wanted to know what hon. Gentlemen on the Ministerial side, who had divided some 15 or 20 times against such a principle, could say in vindication of the vote which they were now about to give. It was said that that must be a matter of compromise with the other House, but he protested against that doctrine: whatever would make the Ballot a bad Bill would be infinitely worse than leaving things as they were. He hoped he should not be misunderstood in saying that he thought the House of Lords ought not to bear the full responsibility of this measure. He was not one of those who sneered at the legislation of the other House, and he had nothing to say against the interference of the other House with any measure which that House might pass; but if ever there was a question which the House of Commons ought to decide for themselves, and which was a question arising between themselves and their constituents alone, that was one; but they were now asked to give up a vital principle in order to favour the opinions of those who, with much deference to their position, ought not to interfere at all. He wished to remind the House of the Resolution formerly passed by that House—

> "That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any Lord of Parliament, or other Peer or Prelate . . . . to concern himself in the election of Members to the Commons House of Parliament."

What amount of personal experience had Members of the House of Lords had in elections for Members of Parliament? Some of them never could have taken part in such elections, unless they had infringed the Resolutions of Parliament. A few of them did take part in the Election of 1868, and that had shown a practical necessity for the Ballot. If the House of Lords entertained the view that had been expressed against the Bill that day, they ought, in common fairness, to have rejected the measure, and to have borne the responsibility of its rejection; but instead of that, while a vast majority were opposed to it in principle, only 50 or 60 Peers had the courage to express their opinions, and the remainder of the opponents of the principles of the Bill introduced some suggestion of a scrutiny, and thus endeavoured to destroy the Bill insidiously, instead of openly rejecting it. He was not making any attacks upon the House of Lords, but he wished they had acted now with the courage which they showed of old. He wished he could say that all virtues were hereditary. There were barons of old who were bolder than barons were now, and they fought with fair weapons both in war and in council. The Commons were now in the position of endeavouring to buy the Bill by giving in their adhesion to a principle which was against the whole theory of the measure. He knew there were supporters of the Ballot, like the hon. Member for Huddersfield (Mr. Leatham), who did not see much evil in providing for a scrutiny. That hon. Gentleman, in 1869, had even a scheme of his own for giving a scrutiny, by putting all the voting papers into an oven and compelling the Election Judge to bake them until an invisible number appeared on their backs. But within the last two years the hon. Gentleman had yielded, and now supported the Ballot without a scrutiny. The present Bill proposed to bring to the polling at elections the evil of privacy and the virtue of secrecy, but it was now proposed to give up the virtue and retain the evil. Opportunity after opportunity would then be offered to poor men to dispose of their votes to the best advantage, and no doubt they would embrace those opportunities even to a far greater degree than they did at present, for if the voter were led to suppose that his vote could be traced, his course of action in all probability would be to vote according to his interest, as he did now, rather than according to his conscience, which it was the object of a Ballot Bill to enable him to do. There was no necessity for a scrutiny either, for in the case of a defeated candidate who had been beaten by 20 votes, no one would know how any of the voters had polled; and if there were known to be 25 cases of personation it might be found by means of an expensive process of scrutinizing that all the personators had voted in favour of the defeated candidate. A scrutiny, therefore, was not wanted for cases of personation, because personation could be as well discovered without knowing how the voter had voted as when that knowledge was obtained. He knew that so far as the result was concerned it would be useless to divide the House on the subject; but it was not useless to enter a protest against the course which was being pursued, and with that view he should take the sense of the House upon the question.

Mr. BIRLEY said, he would venture to say that in a large constituency 500 or 1,000 persons might be personated, for he was satisfied that the Bill would give the utmost facility for personation in our large towns. He had no doubt it would be found that all the penalties proposed would be useless to stop personation, and he said that from experience of the present system, with all the checks and safeguards which, with public voting, were adopted by candidates and their supporters. When personation was detected, moreover, there was great reluctance on the part of those who had been injured to prosecute the personator, for it was usually said that the conflict was over, that the battle had been lost and won, and that it would be but a poor exercise of power to crush the unlucky man who had been induced to personate a voter. Personation was a great and a growing evil, and it would be much increased, not diminished, by a system of Ballot which was private and secret too.

Question put.

The House *divided*:—Ayes 382; Noes 137: Majority 245.

Several other Amendments made to the words reinstated by the said disagreement.

Mr. DODSON said, he was sorry that the Government had in a moment of weakness consented to give way so far as they had, and thought it would be convenient that the House should be informed what kind of scrutiny was proposed. The division which had just been taken affirmed that there should be a scrutiny, but it would be interesting to know by what means his right hon. Friend proposed it should be carried out, and what the securities for secrecy were in case of a scrutiny.

Mr. W. E. FORSTER said, he thought he had already explained that matter to the House. The machinery for the scrutiny would be that which was contained in the Bill of his noble Friend the Chief Secretary for Ireland. The number of the vote was placed on the counterfoil, the same number being stamped on the voting paper. The security against the number being discovered, except in case of a scrutiny, would be this—the counterfoils would be sealed up and the voting papers also after the election was decided, and there would be no permission to look at them; the vote would be inviolable, unless there was an order from a tribunal for it to be delivered up after it was declared invalid. There would be this security—that in the next clause words would be introduced making it penal for any agent or officer, either at any polling station or at the time of counting the votes, to attempt to obtain or give information as to the numbers on the votes. He also proposed to introduce a provision similar to what was in the Bill of his noble Friend, requiring the presiding officer, at the time of counting the votes, to keep the voting paper upwards.

MR. HERMON suggested that the counterfoils should be sealed up before the ballot papers were counted.

MR. W. E. FORSTER said, a provision to that effect would be introduced.

Amendment *disagreed to.*

MR. W. E. FORSTER proposed to disagree with the Lords' Amendment in line 22, by which the property in the ballot papers was vested in the Clerk of the Crown in Chancery instead of in the Returning Officers. He believed the effect of the Amendment had not been understood in the House of Lords, for if adopted it would introduce a principle different from that which had reference to municipal elections. He proposed to substitute instead words vesting the counterfoils as well as the ballot papers in the Returning Officer. He was informed that an action for theft would not lie against the Returning Officer, who would have to be proceeded against for misconduct. The question they had to deal with had reference to what would happen if the papers were stolen from the Returning Officer.

In reply to Mr. WALPOLE,

THE SOLICITOR GENERAL said, this clause had nothing to do with the custody of the papers, but related to the person in whose name the property was to be laid for the purpose of indictment. In a Post Office indictment they laid the property in the name of the Postmaster General, although he never had the custody of the property. This was merely machinery for the convenience of criminal proceedings.

Lords Amendments *disagreed to.*

Then words inserted "as well as the property in the counterfoils."

MR. W. E. FORSTER moved that the House disagree with the Amendments in lines 25, 26, 36, relating to the obligation of secrecy on the part of the officer, clerk, or agent as to voting at the polling stations.

Amendments *disagreed to.*

MR. W. E. FORSTER moved in line 38, after ("voted") insert—

("or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.")

Amendment *agreed to.*

MR. W. E. FORSTER moved that the House disagree to the Lords Amendment providing that there should be a polling place not more than two miles from any voter's residence. The House decided by a large majority last year in favour of four miles in preference to three, and this year they decided in favour of four miles in preference to two. He should have been anxious to adopt the Amendment could it be safely done; but the condition of the country under the new arrangements must be ascertained before such a step was taken, which would involve inconveniences in their arrangement of parishes, increased cost, and a difficulty in finding so many presiding officers.

MR. HUNT urged that facilities for conveying voters to the poll would be less under secret than under open voting, and he believed the reluctance to vote would be much greater. The question was, whether that should be counteracted by additional facilities for polling, and by relieving the voter from the expense of riding four miles, for many would not have sufficient time or strength to walk that distance and back. The Amendment was materially qualified by the words "as far as is reasonably practicable," and by the Proviso that no polling-place should be created unless there were 400 registered electors within its radius. He hoped, therefore, the House would accept it. His right hon. Friend (Mr. Henley) had said that four miles was neither walking nor riding; but under ordinary circumstances it would be riding, and it was desirable to fix such a distance that in most cases the electors might walk.

MR. GOLDSMID pointed out that the four miles would be a maximum distance, and that in most cases the voter would have a shorter distance to travel. A two-mile limit would involve many additional agents, presiding officers, and clerks, and would make county elections so costly that few gentlemen would like to become candidates.

Mr. CORRANCE, while anxious to multiply polling-places, agreed with the right hon. Gentleman that there were practical objections to a two-mile limit, the expenses of contests being materially increased.

Mr. SYNAN remarked that in Ireland great inconvenience and difficulty would result from the adoption of the Amendment.

Mr. HUNT reminded the hon. Gentleman that the clause did not apply to Ireland.

Mr. DODSON reminded the House that some English counties, or parts of them, were in much the same position as Ireland. He hoped the House would adhere to its decision. He did not see how the Ballot would lessen the facilities for polling. The circumstances of counties greatly differed, and it was undesirable to fetter the discretion of the local authorities further than making four miles the maximum. Hon. Gentlemen opposite, moreover, had evinced great distrust of the discretion necessarily vested in presiding officers, whom it would be difficult in some places to obtain; and they could not desire to multiply them needlessly, for that would be attended with multipication of expenses.

Mr. HEYGATE remarked that, if the Amendment as to the use of school-rooms was disagreed to, it would be easy to multiply polling-places largely. He suggested three miles as a compromise.

Colonel WILSON-PATTEN understood the Government proposed to accept the Amendment as to school-rooms. He thought the House had better adhere to the maximum of four miles. It would materially add to the expenses of elections, if they were to have polling-places largely multiplied.

Amendment *disagreed to.*

Clause 6 (Use of public room for poll).

Page 5, line 26, leave out from ("election") to ("any") in line 28, the next Amendment, read a second time.

Mr. W. E. FORSTER said, that, although the Government were of opinion that these buildings might be fairly used for election purposes, they were not prepared to object to the Lords' Amendment, which seemed to commend itself to the feelings of the other House. He therefore proposed that the Amendment be agreed to.

Sir MICHAEL HICKS-BEACH, who had a Notice of Amendment on the Paper with regard to the subject, said, he hoped the House would not accept the Lords' Amendment, and that, in spite of what had been said by the right hon. Gentleman, the House would support him in resisting it. The Lords had done all in their power to multiply polling-places, and then to make them as expensive as possible by refusing the use of *quasi*-public rooms. The schools were now used for many meetings of a public description, and it was quite proper that this additional use should be made of them. In some places the school-room would be required only once in four or five years; and in others only once in 10 or 20 years; and its occasional use for an election would be attended with very little hardship compared with the service which such a use would render to the community. He would therefore move that the House disagree with the Lords' Amendment in page 5, line 26, by leaving out from "election," to "any" in line 28; and in line 28, after "room," by inserting "not being a school."

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(*Sir Michael Hicks-Beach.*)

Mr. BROWN maintained that in many places there were no rooms available except the school-rooms.

Mr. CRAUFURD hoped the Government would not agree to the Lords' Amendment, for in Scotland they always made use of school-rooms for election purposes.

Mr. J. G. TALBOT said, he must strenuously deny that school-rooms were public buildings; in many instances they they had been built and maintained chiefly by private munificence, and he could not admit that the Parliamentary grant gave Parliament a right to use them against the wishes of the managers. Last year it was proposed that such consent should be necessary; but the hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) proposed to make their appropriation compulsory. He wished that they could now divide on the same issue as they did last year. He emphatically protested, in the name of liberty, against the school-rooms being taken in opposition to the will of the managers.

MR. LOCKE said, he desired to record his experience that school-rooms were the best places for taking the poll. Otherwise, hustings would have to be erected in the streets—so far as the metropolis was concerned—and that would be not only disagreeable, but expensive. His remark especially applied to the borough with which he was connected—Southwark.

MR. W. E. FORSTER said, the Government had felt it to be incumbent on them to consider the apparently strong feeling of the House of Lords; but it was quite clear that the feeling of the House of Commons was equally strong. He did not think this was a matter in which the Lords could expect the Government to go against a decided expression of opinion from both sides of the House. It was quite true he first assented to the proposal to use the rooms with the consent of the managers; but upon consideration he was almost immediately convinced that this arrangement would be worse than no alteration at all. After the decided expression of opinion on both sides of the House, the Government, at all events, would not put the House to the trouble of dividing.

MR. BIRLEY said, one of the objections to the use of school-rooms in large towns was that there were frequent elections in such towns, and it was very objectionable to give the children a holiday on an election day. Besides, a school might imperil its Government grant by these compulsory holidays. If the matter were made optional instead of compulsory the difficulty might be overcome.

SIR HERBERT CROFT said, that schoolmasters and the Diocesan Board of Education in his county were opposed to giving up the school-rooms. Hitherto education had been kept free from politics; but now there was a talk not only of taking the rooms compulsorily, but of compelling the schoolmasters to be deputy Returning Officers. In France a similar use had been made of schoolmasters, and see to what a condition it had been reduced.

SIR RAINALD KNIGHTLEY said, that by increasing the number of polling-places the expenses were increased. The number of rich men was also increasing yearly in the House; but he was far from saying that the eloquence or intelligence of the House was increasing. He was surprised that the House of Lords, with curious perversity, had struck out of a bad Bill almost the only good provision it contained.

MR. BERESFORD HOPE said, that one practical matter had been overlooked in the debate. They were going to take the school-room for one day, but it would be required for three or four days. The school-rooms had fittings and fixtures which would require to be taken up that the ballot-box and all the hocus-pocus of voting by Ballot, and Heaven only knew what, might be put into the school. Now, was he or anyone else to confiscate these schools for any such purpose? The practical inconveniences of this scheme were not merely sentimental—they were very real. If the Government had adopted this Amendment the House also would have adopted it, and it was only a few county Members who were in the way.

Question put.

The House *divided*:—Ayes 365; Noes 86: Majority 279.

The next Amendment *disagreed to.*

Subsequent Amendments, as far as the Amendment, page 8, line 20, *agreed to.*

The next Amendment in line 28, after ("room") insert ("not being a school").

MR. J. S. HARDY asked the right hon. Gentleman, whether the managers of schools would be allowed to count the days when the school-rooms would be occupied for election purposes in estimating the amount of the Government grant; and would the holiday be limited as to time?

MR. W. E. FORSTER said, he did not think that the fact of the school-rooms being used occasionally for election purposes should be a ground for reducing the amount of education given to children.

Amendment *disagreed to.*

Page 8, line 20, after ("Act") insert Clause (A.)

"At every contested election of a member or members to serve in Parliament after the passing of this Act, the poll shall continue for one day only, and shall commence at eight of the clock in the forenoon of the day appointed for that purpose by the returning officer, and shall be kept open until the hour hereinafter mentioned, and no longer; that is to say,

(*a.*) If the poll takes place between the last day of March and the first day of October, until seven o'clock in the afternoon, and

(*b.*) If the poll takes place between the last day of September and the first day of April, until five o'clock in the afternoon,"

the next Amendment, read a second time.

MR. W. E. FORSTER moved that the House do agree to this Amendment.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment."—(*Mr. William Edward Forster.*)

MR. BERESFORD HOPE, in moving that the House disagree with the Lords' Amendment, said, the House would recollect the unanimity which had prevailed on this question when the Bill was passing through Committee. He intended to divide the House upon the question, because if the hours named were adhered to an outcry would be raised against any Government that dissolved Parliament in the winter, on the ground that Liberal voters would not be able to vote at so early an hour as 5 o'clock in the afternoon.

MR. JAMES said, he could not understand how this Amendment had come before them. It was from the Government bench of the House of Lords that this Amendment was made; and the Prime Minister only yesterday had stated that he accepted it with great doubt and hesitation, though it was moved from the Government bench in the other House. The working men were not satisfied with it. He trusted they would not now adopt a system which would give two separate agents and have the poll open after nightfall.

MR. ASSHETON CROSS said, he could not conceive why Her Majesty's Government accepted this alteration, and he would vote against it.

MR. CRAUFURD said, he hoped the House would disagree with the Amendment. It might be found desirable to state these hours of polling for the large boroughs; but it would be highly inconvenient to apply the same rule to small boroughs, where all the voters were generally polled out by 2 o'clock; for if no provision were put in this Bill to enable the poll to be closed when every man had voted, the presiding officer and his assistants would have to sit several hours biting their thumbs.

Question put.

The House *divided*:—Ayes 190; Noes 227: Majority 37.

Amendments, as far as the Amendment, page 13, line 23, read a second time; several *agreed to;* one *disagreed to.*

And it being ten minutes before Seven of the clock, the further Consideration of the Lords Amendments was adjourned till *this day.*

And it being now five minutes to Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ALBERT AND EUROPEAN LIFE ASSURANCE COMPANIES.

RESOLUTION.

MR. STEPHEN CAVE, in rising to call the attention of the House to the failure of the Albert and European Life Assurance Companies, and to move—

> "That, in the opinion of this House, it is the duty of Her Majesty's Government to institute a searching investigation into the causes of those failures,"

said, that before moving the Resolution of which he had given Notice, he might, perhaps, be allowed briefly to explain the circumstances which induced him to ask hon. Members to give their attention to the subject, as well as his reason for withdrawing the Bill which passed a second reading some time ago, and substituting the Motion now before the House. When in 1868 he thought it his duty, as Vice President of the Board of Trade, in consequence of representations which had been made to him respecting the condition of certain widely-extended life assurance companies, to place upon the Notice Paper of the House a Motion for inquiring into the mode in which this important business was carried on, he was encountered by a storm of indignant protests. For these he was prepared, knowing that to some companies such an inquiry would be fatal; and that others in a very different character, to whom such investigation would be of unmixed benefit, would unite in remonstrance in consequence of the disinclination felt by the mercantile classes to have what they termed their private affairs overhauled by Government officials. He was met by the menace that if he persevered in his Motion, Amendments and riders would be moved to include banks and sundry other trading firms. It was asserted that he had picked out the class of business which least needed investigation; that while bankers and merchants had gone down by the hundred, not an assurance office had ever failed, not a policy had been, when due, unpaid. That was not wholly accurate even then; but there was a certain plausibility in the argument. It was quite true that in the case of private firms it was extremely difficult for the public to know whom they were trusting, and what amount of capital there was to meet engagements. But, although the failure of a bank caused great misery and inconvenience, yet beyond the partners or shareholders there was not usually, except in the case of fraudulent dealing with securities, the widespread ruin occasioned by the collapse of a life assurance company. In these days people seldom left large balances bearing a low rate of interest, or none at all, at their bankers; but invested their surplus money in some of the multifarious stocks and shares, more or less safe, which are always ready to absorb the savings of the country. Then, again, if a bank began to lose its reputation the remedy was simple; its customers ceased to trust it, and withdrew their money, and that could be done alike at any period, as easily at the end of many years of confidence as at the end of one year. A man of 80, who had trusted a bank all his life, could withdraw his confidence as easily as a man of 25 who opened an account last week. In cases of a more speculative character—such as Overend and Gurneys, Barned's Bank, and others—the brunt of the calamity fell upon shrewd men of busines, who had with their eyes open been tempted to disregard the maxim that large profits meant great risks; or even to accept those risks for the sake of the profits. How different was this with assurance offices, where the heaviest losses fell upon the least adventurous and most prudent; where each year as it rolled on necessarily and enormously increased the loss, for if a dividend of 1*s.* in the pound only was recovered, how much greater the loss of the provident man who had been paying premiums for 30 or 40 years than his who began a year or two ago? Once in the toils there was no escape without loss; and even the dividend which might be recovered had not the power of purchasing future provision which the same sum had in former years. The hardest case of all was probably that of the man who had invested his disposable capital in a deferred annuity either for himself or others—a kind of engagement latterly entered into over and over again by the managers of the Albert and European, at a time when they must have known that there was not the remotest chance of its fulfilment, just as if a tradesman should receive orders and take payment for goods of which he had none to sell. The Vice Chancellor, in making the order for winding-up the European, mentioned a case, as occurring within his own knowlege, of the widow of a barrister, for whom her husband's friends had purchased an annuity in that office, and who was now destitute; benevolence having only momentarily tantalized her with the hope of permanent provision. Many cases of equal hardship had been brought to his own notice. Notwithstanding the reproaches heaped upon him, he should probably have persevered in his Motion in 1868, had not the time of the House been occupied with business of more general interest than a question which, to the majority of Members, appeared rather theoretical than practical, for the discussion of which there was no particular pressure. Had there been an inquiry it was hardly too much to say that millions might have been saved, and the ruin of some 50,000 families at least partially averted. That was not to be. In a less degree the same might be said of the Bill he introduced in the following year, as a private Member, when the opposition, covert and open, direct and indirect, which he encountered broke down the Bill and himself together before the end of the Session. It needed, in fact, a great calamity like the fall of the Albert, which occurred that autumn, to open people's eyes, and enable an adequate measure to float over the obstacles of interested opposition. In 1870 he had the satisfaction of passing a Bill which was styled in a pamphlet by some one who saw, he presumed, the hope of his gains gone, "*A Trap for the Unwary*," for the repeal of which all policyholders were urged to petition, just as two years ago the directors of the Eurpean offered rewards for the discovery of maliciously-disposed persons who dared to suggest doubts of the perfect solvency of their office. The Act of 1870, though it might probably still be improved, was generally admitted to give the assured the means of protecting themselves against fraud to a far greater degree than they have ever had before, without unduly interfering with the legitimate freedom of action of sound and honest companies. He should be wanting in fairness did he not bear willing testimony to the invaluable assistance given him by Mr. Pattison in the preparation of the Bill, and to the careful and complete manner in which the arduous duties imposed by the Act upon the Board of Trade have been performed; and he was sure the President of that Board would allow that this success was mainly due to the zeal and industry of one of the many excellent permanent officers of that Board—Mr. Malcolm—a relative of one of the Members of that House. Meantime great disasters had occurred, under circumstances which he ventured to think removed them from the ordinary category of commercial failures, and demanded the interposition of the House to insure that which public opinion demanded, and the Judge who tried the case recommended—namely, such an inquiry as might, by the exposure of what he hoped were unparalleled malpractices, prevent their recurrence. The Albert and European, with their many associated offices, had utterly failed, and the dividend likely to be received by the policyholders was a miserable mockery. Under ordinary circumstances it was well known that the failure of an established life assurance office ought to be an impossibility. Were there, then, any extraordinary circumstances to account for these disasters? Were the tables of mortality falsified by pestilence or war? The Indian Mutiny, with its numerous victims, chiefly of the insuring class, was a severe trial to some offices, but fatal to none. No such cause could be even alleged at this time. Like the *Royal George*, these offices went down in a calm sea, with a clear sky; not from outward shocks, but from internal mismanagement. Nor was it from the kind of mismanagement which dragged down so many trading firms in 1866—namely, unfortunate or speculative investments. He had heard the downfall of these offices attributed to the system of wrecking. He had yet to learn how the system of wrecking, which meant the artificial destruction of credit for the purpose of causing a run upon a bank and depreciation of shares, could be brought to bear upon an insurance office; except, indeed, by the assured conspiring to die in numbers beyond the average. The actuaries engaged in investigating the affairs of these societies made no such suggestions; on the contrary, the appalling deficiency was attributed by them to deliberate misapplication of the funds, in respect of which the managers were trustees for the assured. The banker who appropriated the securities intrusted to him by his customers was not more guilty than the managers of an assurance office who expended the reserve which was the sole security of the policyholder, in extravagant payments on account of management, negotiation, and dividends. He should have imagined that few people in these days would have favoured that system of remuneration which was formerly the ruin of so many West India properties——namely, payment in proportion to gross receipts. Such, however, was the system of the European; and, if the House allowed, he would read an extract from a letter giving a graphic description of the way that system was worked. The letter was from a barrister of high standing, the Recorder of an important city. He writes—

> "I attribute the ruin of these companies to the vicious system of remunerating the manager by a percentage upon all new policies. Hence the anxiety for amalgamations, no matter whether the offices were solvent or insolvent. As an instance within my own knowledge of the pernicious system of forcing new policies, I will mention the following:—Every year, some time in May, all the agents of the company from all parts were invited to London, and were entertained at a grand banquet, usually at the Crystal Palace. Their expenses to and from London, and whilst there, were paid by the funds of the company. Mr. Lake presided over several hundred guests. I went on one occasion, and a sumptuous affair it

was; but this was not all. After dinner, the chairman, in complimentary speeches, distributed purses of money to a number of the agents, according to their success in getting policies. These varied from £50 to much less sums. But I affirm that some thousands of pounds were distributed among the agents present in this way."

He could imagine at the conclusion of the last of these Thyestean banquets, at which the unhappy shareholders and policyholders had been devouring their own reserve, the chairman rising like Moore's Prophet of Khorassan, lifting the glittering veil, displaying the hideous condition of the society in its true deformity, and exclaiming to the horror-stricken guests—

"Ye would be dupes and victims, and ye are."

Scandalous as these proceedings were, and extravagant as were the expenses thus incurred, they were dwarfed by the amounts lavished on amalgamation, with its attendant charges. Mr. Pattison said in his report—

"Among the causes of insolvency, the most pernicious has been the transfer of the businesses of other insolvent companies, to which, notwithstanding their insolvency, the European has been induced to pay large sums by way of purchase."

When they were told of this yoking together of the dead and the living, and of clever men of business paying more for this fatal operation than would have been sufficient for one of a beneficial character—when they heard of a suspense account of beween three and four hundred thousand pounds which, though treated as an asset for the payment of bonuses, had been almost wholly lost in carrying out repeated amalgamations—they could not wonder at the demand for such an investigation as the power of compulsion given in the Bill which he had been obliged to withdraw, could alone secure, without which, as the Report of the Commissioners on Friendly Societies showed, such an inquiry was practically of no avail. Having said that, he need hardly observe that he regarded the Motion for the substitution of a Parliamentary Committee as a hostile Motion, calculated to prevent all really useful investigation of this gross case. When he introduced the Bill of 1870 to the House he mentioned many cases of extreme hardship arising from the failure of the Albert. Did time and the patience of the House admit, he could add largely to that disastrous catalogue from a mass of letters which had reached him in reference to the European. Here was the case of a lady who had effected a policy in the original European in 1821 for £800, and had, up to October, 1871, paid £1,185 in premiums, and had now the prospect of perhaps 8*d.* in the pound on that amount. The hardship was increased by the transfer of the business to another company of the same name, owing to which policyholders might be unaware of the change. Another correspondent wrote that he was obliged under his marriage settlement to insure 20 years ago, and had paid £1,840 when the crash came. Now, he was compelled by the trustees to renew his insurance, and in consequence of the difference of age had to pay £192 15*s.* to insure the same amount for which he formerly paid £91 15*s.* Some of the hardest cases arose, as might be expected, from the transfer of the Naval and Military to the European. He had received two letters from colonels of distinguished regiments. One says—

"On joining my regiment in India in 1853, I insured for £2,000. I paid Indian premiums, and when we went to the Crimea, war and climate risk, when the secretary wrote that he intended amalgamation with the European, I protested, and demanded a return of my premiums. I received a reply, and not a polite one, that policyholders had no voice in the matter. It appears from the statement, that the directors knowing their insolvency, continued to accept premiums and rob the public."

The other writes—

"I had to pay Turkish risk, then a war risk for two years, then an extra premium for China anp Japan, and now I have little to expect. My case is one of many; but it may illustrate the loss, and the good you may do by bringing to light those disgraceful transactions, and establishing a better security for the future."

The concluding sentence would receive the approbation of the Chancellor of the Exchequer:—

"It is much to be regretted that Government has not established a naval and military assurance for officers of all branches of the service. It would encourage thrift and saving, and there would not be so many sad cases of officers leaving their children without provision. A Government guarantee at the present moment would be most acceptable, when so many are suffering from the failure of the European, and know not where to turn for security."

That was the real object of the inquiry he proposed—not the benefit of the unfortunate shareholders and policyholders of the Albert and European, as some hon. Members seemed to think the other day, and which he admitted would be a very questionable application of public money. They were past praying for, and whatever might be the result of such an investigation would not receive a shilling more; therefore they could not be called upon to defray the cost. But the real object was to ascertain whether some better security might not be devised for assurers than even the Act of 1870 gave them. The right hon. Gentleman at the head of the Government, from his remarks the other night, seemed to think so, and, moreover, to agree with the Chancellor of the Exchequer. That was not the time to argue that point; but those who favoured such a scheme as Government monopoly in life assurance might be assured that it could not be adopted without some such an inquiry. But, perhaps, it was not generally known that the European enjoyed something very like a Government guarantee —that Government sanction and patronage were liberally bestowed upon that society, of which very good use was made in advertisements, especially in India and the colonies—and he thought that alone necessitated an inquiry in a matter in which successive Governments and Parliaments had been so deeply implicated. On the 19th of April, 1859, an Act was passed authorizing the acceptance of the guarantee of the European, instead of other security, from persons in public offices and employments. The Government took better care of itself than of the public, for a reserve fund was ordered to be set aside by way of special security for Government guarantees. So far, perhaps, no great objection could be taken beyond a general objection to the monopoly. But this was not all. Power was given to the Treasury to appoint Inspectors to examine the accounts of the society—a power which they had no right to accept without effectually using it—the society being also required to deliver to the Treasury every year a list of shareholders and the balance-sheet. The society was not blind to the advantages thus obtained. At one annual meeting the shareholders were congratulated on having the advice of the Government actuary in their amalgamation with the British Nation; at another, on the offer of the Treasury "to satisfy the Court of Session in Scotland respecting the financial condition of the European Assurance Society." The effect on the public mind was well shown in an extract from *The Insurance Record* of June, 1865—

> "There is one peculiar and distinguishing feature attaching to this society, which is that it is the only society authorized by special Act of Parliament to guarantee the fidelity of Government officials. Of course, Government do not grant these special privileges, without being thoroughly convinced by official investigation of the soundness of its finances, and not only so, but we believe we are correct in stating that prior to the last meeting the Government deputed some of its staff to inspect the condition of the European, and that they expressed themselves thoroughly satisfied with their investigation. Surely, then, nothing more need be said as to the status of this office."

On the face of every prospectus appeared in large letters—"The European is the only society specially authorized by Parliament to guarantee the fidelity of Government officials." Nor was distinguished patronage withheld. At the head of the Naval and Military and East India departments appeared as Patron Her Most Gracious Majesty; as Vice Patrons, whatever that might mean, His Royal Highness the Commander-in-Chief, the Adjutant General, the Quartermaster General, the Military Secretary, two successive Presidents of the Board of Trade, a noble Earl who had filled many high offices of State, and others. A late permanent Secretary to the Treasury was at one time chairman, and afterwards trustee. Five weeks before the failure a surplus of £95,000 was reported upon the accounts taken on the 31st of December, 1869, by no less an authority than the Government actuary; and that in the face of the warning of several actuaries two years before that the society was insolvent to the extent of many hundred thousand pounds. In the little volume which he held in his hand, not only were the exceptional advantages which he had enumerated set forth with due prominence, but the most affecting motives were added to win people to assurance. He saw—and what a mockery it now seemed—a quotation from Professor De Morgan, formerly consulting actuary of the Albert—

> "There is nothing in the commercial world which approaches, even remotely, the security of a well-established life office."

Here was a picture of a man who had neglected to insure his life—

> "Imagine the situation of a man who, suffering under slow decline, feels his energies daily failing and his resources day by day decreasing. With

> **the prospect of speedy dissolution he knows that all who are dependent upon him—the victims of his neglect, must go forth to seek their bread amid the closed hands and stony hearts of the world."**

That pathetic description was from *Why is not Life Assurance universal?* by Henry Lake. He saw the name of Henry Lake as manager of the European. If he were the same person, he might witness the misery he described among many thousands who had only too closely followed his advice. Why was not life assurance universal, indeed? Why had life assurance fallen off in one year 10 per cent? And why was it still falling off, notwithstanding the increase in the population and wealth of the country? The answer might be given in two sentences—deficiency of Albert, £972,000; deficiency of European, more than £1,000,000. Her Majesty's Government had remitted the income tax on premiums with the excellent intention of encouraging provident habits. Surely, therefore, it should inquire why that intention had been so signally frustrated, and into whose pockets those untaxed premiums had found their way. In accordance with what he believed, and still believed, to be the general wish of the country, he had introduced a Bill for the appointment of a Committee, with full powers to investigate the matters to which he had alluded. The death of a near relation unhappily prevented his being in his place on the day fixed for the second reading of the Bill; and though the House was good enough to allow the second reading in his absence, yet it objected, and he could not complain of the objection, to his going into Committee without explaining the nature and objects of the Bill. The House knew the difficulty a private Member had to recover an opportunity once lost in advancing a Bill through one of its stages. That difficulty, however, might have been overcome, had it not been for the Resolution of the House, which forbade the bringing on of Opposed measures after half-past 12. The Bill for a long time was unopposed, but subsequently the Amendment to which he had alluded appeared on the Paper. The hon. Member who placed it there had good reasons, no doubt, for doing so; and, of course, he had a perfect right to do it. But he had already explained why he felt bound to regard it as a hostile Amendment, and it had, at any rate, this result—that it effectually prevented the Bill coming on at the only time that there was any chance of bringing it on. Consequently, he thought it better not to let it encumber the Order Book any longer, but to leave the matter in the hands of the Government. The Government had facilities which a private Member had not, and he could not help thinking that it would be a public misfortune if this great scandal should be lightly passed over. He was, as a general rule, opposed to anything like a private inquisition; but this was surely a case wholly exceptional. It had been asked, why could not the liquidators do all this? The answer was, that the liquidators were appointed to collect and distribute the funds among the policy-holders as economically as possible, whereas the proposed inquiry was wholly for public purposes. Nor could the inquiry be conducted by the Arbitrator or the Court of Chancery. He was as unwilling as anyone could be to add to the burdens of the country; but he was sure that the small sum which the investigation would cost—not more, he was informed, than from £3,000 to £4,000—would be well laid out. He thought it was the duty of the Government and Parliament to order it to be so laid out. He did not pretend to apportion the blame of these unparalleled disasters among either individuals or classes. Whether the directors and actuaries were guilty of fraud; or, of what was almost as criminal in such cases, of incapacity—whether the negotiators knew that they were conducting transactions fraught with ruin to all but themselves, or were misled by actuarial reports—how far the Government was responsible for having lent its name to a private company, without exercising adequate supervision and control—would be the duty of a Commission of Inquiry to decide. He had arrived at the conclusion of his remarks. If these were to be the last words he should ever have the honour of addressing to the House, he should think them well employed in urging the House to insist upon a solemn inquiry into these proceedings, so scandalous in themselves, so disastrous to multitudes of innocent people, and so damaging to that upon which Englishmen had been in the habit of priding themselves—the character of their public and commercial men. The right hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Mr. BARNETT, in seconding the Motion, said, he thought the right hon. Gentleman had made out a very strong case in support of the inquiry for which he asked. The tale of ruin and disaster, including many cases of hardship and privation arising therefrom which had been brought under his special cognizance, was certainly a melancholy one, but it possessed features of considerable interest. The practice of life assurance, which it was very important to encourage among people with limited incomes, and which for many years had grown up and increased throughout the country had certainly suffered a check by reason of the failure of the companies alluded to in the Motion of the right hon. Gentleman, and that was surely a fact of melancholy interest to those who desired to encourage habits of prudence and forethought in the ranks of the people. Everyone could understand when the crash came the great dismay that fell on that class of persons who had endeavoured to provide a fund for their families, and who had believed that the Albert and European Offices were as safe as any in the country. All knew that insurance offices if well conducted must be successful. But, in regard to the offices in question, there had been some exceptional causes for their failure, and it was the duty of the Government to inquire into them, and to ascertain why so many amalgamations of an improvident nature had been allowed to take place. With regard to the European Office, the exceptional circumstance seemed to have been a reckless entry upon what were called amalgamations—a payment of exorbitant prices for businesses which produced very poor returns. It appeared from a printed document he had seen recently, that up to the year 1865 the European Office lost no less than £327,000 in carrying out 40 amalgamations, which seemed to have been conducted on a wholesale scale—for instance, it took over one office, the British National, that had already absorbed 26 offices. These facts ought to be inquired into, and he hoped the House would assent to the Motion. With regard to the Albert Office, the figures were not so astounding, but even that office expended the large sum of £274,000 in incorporating 10 other offices with itself. On the question of liquidation being the most satisfactory mode of dealing with societies such as those absorbed into the European he would mention that one of them, known as the Waterloo Life, Education, Casualty, &c., Safety Office, with a nominal capital of £400,000, but with not quite £20,000 paid up, when it was wound up in 1862, after an existence of 12 years, with liabilities of £31,000, the costs of the liquidation were £6,036 8*s.* 6*d.* That circumstance was not much in favour of the process of liquidation. It might be said that the particular Motion before the House was unusual; but the circumstances which led to it were unusual also. The sort of patronage which the European Society received from the Government rendered it still more desirable that an inquiry should be instituted. There could be no doubt the European Office had made much capital out of its connection with the Government, whatever that connection was, for it had impressed the minds of the simpler part of the public with a belief in its superior merits with regard to security. All, however, that the Government did, he believed, was to accept the guarantee offered for persons holding official situations, having first taken care to ascertain that there was a fund to meet those particular risks. It might be urged that cases of this kind showed the desirability of Government undertaking the business of life assurance, but he for one sincerely deprecated such an idea, believing that the Government ought not to interfere with private enterprize. The right hon. Gentleman now at the head of the Government, on introducing the Government Annuities Bill of 1864, which established the Post Office assurance system, said it would not be rational for the State to interfere with assurance business properly so called, and he hoped the right hon. Gentleman still entertained that opinion. Connected with assurance there was, in fact, a certain amount of speculative business which it would be highly improper for the Government to undertake, unless they were likewise prepared to conduct breweries and other business establishments, a state of things which would never be tolerated in this country. The profits of the old companies had been made by gradual accumulations, and to this circumstance he attributed in some measure the proceedings which had led to the late disasters, as speculators, who thought they might arrive at great riches by some happy short cut, had been induced to establish offices, and to dispose of them to other persons who were in a hurry to get rich. He had heard of negotiators, secretaries, and others who had received large sums by way of compensation, whether rightly or wrongly he would not pretend to say; but, at all events, such proceedings made a great hole in the funds of the societies, and tended to induce other persons to act in a similar way. Although he seconded the right hon. Gentleman's Motion, he did not mean to say that the general system of assurance was unsafe, but only that there were some cases in which inquiry ought to be instituted.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is the duty of Her Majesty's Government to institute a searching investigation into the causes of the failure of the Albert and European Life Assurance Companies,"—(*Mr. Stephen Cave,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. H. B. SHERIDAN said, his hon. Friend (Mr. Barnett) had sneeringly referred to the Waterloo Safety Insurance Company, which, notwithstanding its title, had failed; but *The Insurance Directory* showed that there was another "Safety" Company which had come to an untimely end, although it was supported by the names of such eminent men as Viscount Goderich, M.P., Mr. Henry Gurney, Mr. Thomas Brassey, M.P., Mr. John Williams, M.P. for Macclesfield, Mr. Richard Cobden, M.P., Mr. Joseph Locke, M.P., Mr. Charles Gooch, M.P., Mr. John Bright, M.P., and Mr. Wilson, the Chairman of the Anti-Corn Law League. If an office supported by such eminent names had failed, surely it could not be matter of surprise that another, supported by less influential gentlemen, should have been unsuccessful. He was sure the right hon. Gentleman (Mr. Stephen Cave) would be the last person to give a false complexion to facts, if they had come under his notice; facts were available which showed that these two companies did not fail from their own insolvency, but that they were ruined and wrecked by organized combination, but for which they would now have been paying their policies. Perhaps, it was not surprising that the right hon. Gentleman still clung to the notions which were prevalent last year as to the causes of the failure of these companies, when there were all sorts of reports as to their character and that of the persons connected with them, reports industriously circulated by those interested in the complete destruction of the companies. The right hon. Gentleman had asked for inquiry. He (Mr. H. B. Sheridan) himself never was an office-bearer in these companies; but he knew something of their transactions, and in the absence of any of the directors, and in the public interest, he wished to make a few remarks. He also desired inquiry, and would support the right hon. Gentleman in asking for it, but it should be vigorous and speedy; it should not be instituted through the slow process of a Royal Commission, but it should be undertaken by a Committee of 15 Members of that House. The right hon. Gentleman had alluded to the Government having sanctioned the European by accepting its security for guarantees, but the Treasury accepted all companies that would comply with their conditions, and those conditions were complied with by the British, the Birchin Lane, and a military company. There was no doubt that the European, favoured by the Colleague of the right hon. Gentleman, had its fair share of business; but it had no monopoly. The right hon. Gentleman, in what he did, asked for a direct reversal of the decisions of the House on the subject of the guarantees which had been given. As he had already said, he did not object to inquiry, and hoped that inquiry would take place; but when it was proposed to institute an inquiry into a gigantic failure in the City, involving a loss compared with which the losses incurred by these two companies were comparatively insignificant—a failure in connection with which some hon. Members were mentioned by name as concerned in the issue of preference stock and shares —the Government declined to undertake it, and said that if they instituted such an investigation, there would be no end to the demands which would be made upon them in respect of land companies, banks, and other concerns. For these reasons, the Government declined inquiry in the case of the London, Chatham, and Dover Railway Company. The right hon. Gentleman had assumed, as an article of faith, that the proceedings of these two companies were improper in the last degree—that the conduct of the directors and officials, from the first—and particularly with reference to amalgamation, was tainted and questionable—that amalgamations were effected with companies that were rotten, or improperly constituted, or bubble companies. Those were very grave charges when brought against the character of public officers, and it should be remembered that those who were thus impugned embraced Members of both Houses of Parliament. The right hon. Gentleman, however, had not in support of the charges, brought forward a single fact; he had not instanced a single case of wrong-doing; but he had contented himself by assuming that the fact of failure was in itself a sufficient proof of irregularity, although commercial failure was no startling novelty; and it would be easy to make up a long list of failures involving losses far exceeding those incurred by the failure of insurance companies. Why, the right hon. Gentleman himself two years ago succeeded in passing an Act to remedy the grievances connected with insurance companies, and, having provided all the remedy he thought necessary, what consideration induced him now to demand further inquiry? Such an imputation was most unfair. The right hon. Gentleman had spoken of these companies as if no explanation had been offered, and no investigation had taken place. Now, immediately after the Albert Company failed several eminent men were called in, who inquired into the matter, and made a report to the shareholders. The shareholders made an inquiry themselves. Then, a large meeting was held, and a Committee of Inquiry was appointed. That committee sat for a long time, and investigated everything connected with the amalgamations of the company. Then legal proceedings were instituted, and a bill was filed in Chancery against the directors, charging them with fraud. Under that bill the closest scrutiny took place with reference to the Albert Company. All its officers, its minutes and books were subjected to a close scrutiny and inquiry. And what was the result? The Judge declared that there was no ground for charging the directors or officers with wrong-doing, and the bill was dismissed with costs. After that, Lord Cairns was appointed arbitrator, armed with power to inquire and punish, and he had shown no desire to shrink from the responsibility which had been cast upon him. Then, an inquiry had been made by the liquidators, and every means had been taken to ascertain if there were even any technical irregularities; but it appeared that there was no ground for any such imputation. But that was not all. The associated companies had fallen into the hands of liquidators and solicitors, who had an interest in finding out any wrong act, and all they had done tended to show that no wrong had been done. Surely, it could not be said that no inquiry or investigation had been made into the affairs of these two companies, seeing that the case of the Albert had been made the subject of seven or eight investigations since its failure, and that its affairs were still *sub judice*, and that the case of the European had been inquired into by several committees of investigation, and had formed the subject of several bills in Chancery, in the course of the hearing of which its affairs had been thoroughly sifted, they being also still *sub judice*. It was, therefore, most unfair to speak of these companies as if no inquiries had ever been made into the causes of their failure. From what had been stated the House would suppose that the directors of these companies were persons having no position or standing, who, finding themselves at the head of rich institutions, had run a mad course of commercial profligacy, with the sole object of spending the money of the unfortunate shareholders. But was such the fact? Then, with respect to the European, anyone would suppose from what had been said that the description above given would more directly apply, but the contrary was the fact. The European had amalgamated with 11 companies, which had a number of other companies associated with them. Of these 11 companies nine were amalgamated under the direction of Gentlemen some of whose names he would mention—the right hon. Milner Gibson, Mr. J. Heywood, M.P., the right hon. G. A. Hamilton, M.P., Mr. R. Swift, M.P., Mr. T. Barnes, M.P., Mr. Cheetham, M.P., Mr.

G. A. Muntz, M.P., Mr. R. Spooner, M.P., Mr. W. Wickham, M.P. Those were names well known not only in that House, but throughout the country, and they were not "dummy" men, but acting members of the European Board, men who had been Members of Governments, who occupied high positions in society, and who had invested large sums in hard cash in these undertakings. Those men were governed and controlled by Mr. Hamilton, a Colleague of the right hon. Gentleman opposite in more than one Conservative Government, and Mr. Hamilton was at the head of affairs when all these amalgamations were considered and decided upon. Was it right, then, to say that such men were young men who knew nothing of what they were about, and who rushed into mad and complicated speculations, such as most men would shrink from when they contemplated them? There was not an atom of truth in any such notion. When Mr. Hamilton left the chairmanship of the company and became Permanent Secretary to the Treasury he was succeeded by Mr. William Wickham, a Member of that House, who was succeeded in turn by Sir Frederick Smith, the Conservative Member for Chatham, who was still the phantom of a chairman, doing the best he could to watch over the interests of the policyholders in the winding-up. What was the case with reference to the Albert Company? The names of the members of the Board were not so distinguished as those in the case of the European Company, but undistinguished as they were, they held £50,000 worth of shares not given to them, but paid for *bonâ fide*, and not only did they hold that amount, but their relations held an equal amount. Among those directors were to be found the names of Lord Claud Hamilton, M.P., Mr. J. H. Loyd, M.P., Admiral Carnegie, Lord Ranelagh, Mr. J. C. Cobbold, Mr. C. Frere, Mr. Bonamy Price, the Hon. F. Berkeley, M.P., Mr. C. Hopkinson, Sir Charles Duke, the hon. R. Bourke, the hon. F. Walpole, and others. Those were names that ought to inspire that House with confidence. Up to the year 1863 the Albert with its amalgamations had been declared sound and solvent, and in that year the great actuary, Professor De Morgan, examined its affairs, and upon his report a bonus was declared. Subsequent to that time the Albert had only one amalgamation, and that was with an office presided over by a Member of the present Government, who was anxious to amalgamate his office with the Albert, and who made all the inquiries necessary as to the responsibility, the solvency, and the soundness of the institution. That Gentleman took Professor De Morgan's valuation and opinion, and submitted them to impartial and independent actuaries, and he came to the conclusion that the Albert was sound, and that, as chairman of the other office, he might amalgamate it with the Albert. There were four companies taken over by that arrangement, for the Western, the amalgamating company, had already amalgamated with the St. George, the Metropolitan Counties, and the Manchester and London Companies. That was the last amalgamation, and whatever mischief took place must have occurred subsequently to that. He presumed the Gentleman to whom he had referred was capable of making proper inquiries, and they had a right to believe that his conclusions were correct, and properly arrived at [*Cries of* "Name."] Everybody knew whom he meant—there was no occasion to mention the name. But he could show the House that the ruin that fell upon the society had arisen not from its amalgamation with the Western Office, which was paying 20*s.* in the pound now, but from the present condition of the law of liquidation. The present condition of the law offered enormous bribes to those who could succeed in knocking down or bringing into liquidation a joint-stock company. Only the other day Mr. Denison, Q.C., stated in a Committee of that House, that since liquidation was invented, some 15 or 16 years ago, not a single company had come out of it, and he went on to speak of the cost of the liquidation of the Albert, which he put down at £30,000 a-year. In fact, a good company in liquidation was a fine property, and meant a large fortune to those who could succeed in bringing that liquidation about, and therefore bands of needy persons had organized themselves systematically in order to wreck such companies. Four years ago bank after bank fell in the most mysterious and sudden manner before the designs and arts of these wreckers, who operated by means of forged telegrams and the sale of shares that never had any existence. The Stock Exchange, however, with the assistance of Parliament, stopped those tricks in reference to banks, or else there was reason to believe that nearly every bank in the City would have shared the same fate, and then the wreckers turned their attention to the insurance companies. Agreements were drawn up and entered into by persons to arrange how the plunder was to be shared, and it was well known that such agreements were entered into with regard to the destruction of the Albert and of the European. He held in his hand the copy of an agreement for wrecking and plundering and dividing the plunder of the European, which came out in an arbitration, where the gentlemen interested had been quarrelling among themselves. The agreement stated that "it was arranged between the undersigned," that Mr. —— was to make the best arrangement he could with the solicitors and liquidator whom he might select for the winding-up of the European and its subsidiary offices, and that he should divide the money obtained in the following proportions:—two-fifths to Mr. A. and his friends, one-fifth to Mr. B. and his friends, one-fifth to Mr. C. and his friends, and the remaining fifth to Mr. D. and his friends. One of the persons who signed that agreement was formerly a Member of that House, where he represented a metropolitan constituency. [*Cries of* "Name."] It was not necessary to mention the name, it was pretty well known; but if it was desired, he would give the particulars to the right hon. Gentleman in the chair. These were the methods by which companies were wrecked. For three years the wreckers attacked the Albert in every possible way, by issuing circulars to shareholders and agents; by putting advertisements in the papers, offering shares for sale at an enormous discount; and by holding sham meetings of policyholders; but it was only when a firm in Northumberland sent a circular to the Indian branch of the Albert that it became of the utmost importance that an investigation should take place. The Indian branch stopped, and called upon the home branch to make an inquiry into its affairs, and the home branch stopped also—not because it was unable to fulfil its engagements, or was deficient in funds—for it had a large balance at its bankers—but because of the excessive drain brought on it by this systematic and organized attack. They appointed accountants and solicitors to examine into their affairs, and called in five of the most eminent actuaries of the day, four of whom had been presidents of the Institute of Actuaries, and these gentlemen made investigations into the then condition of the Albert. The office stopped not for liquidation, but for re-arrangement and re-construction, and they found that they were not in the position in which their traducers said they were. The result of the inquiry was, that with a liability of £8,000,000 upon its policies the deficiency of the office was less than a year's interest, or £260,000; and that, after valuing at 4 per cent—while 5 per cent was readily obtained upon their Indian and 4½ per cent upon their other securities; after depreciating to their selling prices all their assets; after striking off £100,000 for loans on houses; and after striking off the goodwill. Not only that, but when the proposition for re-construction was made, the companies attached to the Albert agreed to subscribe the amount of the deficiency, so that there should be no stoppage, and they would have been willing to have found ten times the amount. Re-construction was, of course, the proper step to take, for 20*s*. in the pound was better than 2*s*. in the pound —which was all they must expect in liquidation; but the wreckers were too many for them, and attended meetings where they assured the shareholders that liquidation in the Court of Chancery was much the best thing for them, and greatly to be preferred to re-construction. Ultimately, Lord Cairns was appointed Arbitrator, and it was hoped that the scheme of re-construction might be accomplished; a powerful committee was formed; but the difficulties were then found to be insuperable, for the business of the office had been distributed. It was well worth while to inquire who was responsible for that. He protested against the idea that the companies which amalgamated were insolvent: at that time they were in a position to pay the claims on them, and they had only failed because of the failure of the present company, in which they had merged. For four years the European had been exposed to incessant attacks.

Bills in Chancery were filed against it, and during the time that the contest lasted £200,000 of its annual business was lost for ever. Being, however, obliged to yield at last, even at that time, a New York Company would have bought the concern; but the old cause was in operation—systematic wrecking by an organized band—which resulted in the destruction of the value of the goodwill. If the Government were to purchase these insurance companies, he believed that they could pay a clear profit of £1,500,000 annually, allowing a liberal sum for the purchase; but in that, as in any other case of purchase or amalgamation, the purchase money must be allowed. It was a mistake to suppose that only young offices amalgamated; on the contrary, the Colonial amalgamated after 20 years' existence, the Victoria after 27, the Britannia and others after 28, the Promoter after 36, the Leeds and Yorkshire after 40, the Albion after 53, the Globe after 59, and the Amicable after 160. He would not further detain the House; but he had felt it necessary to show that there was no truth in the idea that the directors of these companies were mere nobodies who ought not to be trusted, or that they had amalgamated with rotten companies. He had also shown for how small an amount the Albert ultimately succumbed, and that the European fell under an organized system of attack nearly identical with that which was brought to bear upon, and which proved so fatal to the Albert. If the Government was disposed to agree to the Motion, he would propose, by way of Amendment, to add to it the following words:—

> "And to inquire particularly, and to what extent, the present Law contributed to the downfall of these Companies, and prevented their proposed re-construction."

THE CHANCELLOR OF THE EXCHEQUER said, that the question the House had to decide was the Motion of the right hon. Gentleman the Member for Shoreham; but, in his opinion, it was studiously vague and ambiguous. What did it mean? He presumed the right hon. Gentleman did not desire the appointment of certain official persons from different Departments of the Governments, nor did it appear from his speech that he wished the question to be referred to a Select Committee of that House. He could only, therefore, suppose that the course the right hon. Gentleman probably had in view was the introduction of a Bill by the Government, for the purpose of appointing a Royal Commission to inquire into the whole subject connected with the failure of these companies. The House, however, should not be too ready to take a step which involved such important considerations. The question arose out of the acts of a body of persons who had grossly misconducted themselves. Had they brought themselves within the law? If so, the law of the country could be enforced against them, and those who were aggrieved could take the ordinary and constitutional course, and bring them before the tribunals of the country. If it were doubtful as to whether the power to prosecute in this case existed, the question then arose as to whether it was the duty of the Government or the House to supersede the ordinary machinery for prosecuting offences, and to appoint a special tribunal, armed with power to inquire into this matter and to search it to the bottom. He trusted the House was not prepared to take such a step. This country in the matter of judicial procedure was taken as a model for the countries of the earth; the means of inquiry into offences which we had invented and perfected was the envy and admiration of the world. Was the House prepared to throw aside all that, and to bring the whole force of the Legislature to bear against these persons in order to convict them of crime? No precedent more dangerous, none more subversive of the liberty of the subject, none more unworthy of the Legislature, could be conceived than that the House should embark upon such a career as that. If the right hon. Gentleman meditated such a step—and he hoped he had not misunderstood the intention of the right hon. Gentleman—the Government could not join with him in carrying it out. No doubt, the right hon. Gentleman and those who had followed him had related facts of the most painful and most revolting nature, well worthy of consideration by that House, and which called upon it to look carefully into matters, in order to see whether any step could be taken to prevent the recurrence of the evils they disclosed. There could be no possible objection, therefore, to an inquiry into the causes of the failures. It would no doubt prove a most instructive history if carefully traced out by a body which would speak with authority. Nor could he see any objection to the proposal that those to whom the House might entrust the task of making the investigation should suggest a remedy for the evils in question. That course would be quite consistent with the usual practice of the House of Commons; and if it did turn out that the facts dislosed were of a criminal character as regarded certain individuals, the ordinary tribunals of the country would be open to any who chose to bring them to justice. The causes of these failures were very well known, and the causes of the failure of insurance companies in general were not far to seek, although he admitted it was quite desirable that they should be probed to the bottom and put in an authoritative form before them. The causes of failure, he apprehended, were very simple, and might be stated in most general terms. The nature of insurance business was, that at first it was all receipts, and at last all payments; and mankind was so constituted that while it was all receipts they would not look forward to the time when the payments would come, and when that time did arrive it was too late for them to consider it. It was just like what happened in the land of Egypt when they had seven years of famine. Of course, in the seven years of plenty they ought to have laid up stores to have met the seven years of famine; but they, like our insurance companies, did not do so, and hence the seven years of famine. That was entirely in accordance with the laws of human nature, and he believed that any Committee who entered upon the investigation of the subject, would find that lay at the bottom of the failures. Whether they could leave those companies such liberty as all engaged in commercial pursuits ought to have, and at the same time exercise such an amount of control as would prevent the recurrence of these calamities for the future, was a subject well worthy of the consideration of the Committee; and with that view, the Government would willingly consent to the appointment of a Committee on some such terms as these —"To report upon the Albert and European Insurance Companies as to the causes of their failure, and also to report upon any further measures that may be necessary." Such a Committee might tend to prevent the recurrence of the matters which had been complained of, while it would certainly avoid—and purposely avoid—the notion that in its appointment there was any ulterior view to criminal proceedings against individuals. That would be a course which the House of Commons might reasonably take, and, he would submit, would answer all the objects sought by the right hon. Gentleman opposite.

Mr. GREGORY observed that it was, at all events, satisfactory to find that the Government recognized the necessity of inquiry, but he hoped it would be extended beyond the immediate subject of discussion; for, without agreeing with him on many points, he concurred in what had fallen from the hon. Member for Dudley (Mr. Sheridan), with regard to the subject of liquidation, and it was certainly a scandal upon our administration of the law that such cases as those referred to by the hon. Member should be possible. Cases were continually occurring in which persons speculated on the misfortunes of these companies, and sacrificed not only the interests of the shareholders, but of creditors and all who were in any way dependent on those companies. It was high time that a stop should be put to what was known as the system of "wrecking," and it would be a question well worthy the attention of the Committee appointed upon the subject to inquire whether some means should not be taken to limit the operation of the Limited Liability Act and the Act for the Winding up of Joint-stock Companies.

Sir JOHN LUBBOCK said, he believed that undue importance had been attached by the hon. Member for Dudley (Mr. Sheridan) to what was known as "wrecking"—a practice which he believed to be perfectly impossible in the case of these great insurance companies, unless they were grossly mismanaged. The statements made by the hon. Gentleman might, unless contradicted, create a wrong impression throughout the country. He trusted that the right hon. Gentleman opposite would accept the modified Committee, as suggested by the Chancellor of the Exchequer.

Mr. STEPHEN CAVE said, that he had already stated his opinion that a Parliamentary Committee would be useless. The inquiry, however, which he desired was precisely that which the

Chancellor of the Exchequer had admitted to be desirable. His object was not to bring charges against individuals, but to secure the results indicated by the right hon. Gentleman. He would, therefore, withdraw his Motion, preferring, as they could not agree upon the mode, to leave the matter entirely in the hands of the Government.

Amendment, by leave, *withdrawn.*

ARMY—THE SCIENTIFIC CORPS—PROMOTION IN THE ARTILLERY AND ENGINEERS.

MOTION FOR A SELECT COMMITTEE.

MAJOR GENERAL SIR PERCY HERBERT, in rising to move for a Select Committee

> "To inquire whether the intended promotion to the rank of Regimental Major of First Captains of Artillery and Engineers, at an annual cost to this Country of over £20,000, and at a further addition to the Indian Military Expenditure not yet stated to Parliament, is justified by any commensurate advantage to the Public Service,"

said, he believed that the intended promotion of first captains of Artillery and Engineers to the rank of regimental majors in the manner proposed by the Government would involve a large and impolitic expenditure, while it would cause great inconvenience to the public service, in consequence of the faulty organization by which it would inevitably be attended. The grievance that it would cause had been brought before the attention of the other House of Parliament, and the intended promotion of the 420 officers in the Engineers and Artillery to this rank would involve the supersession, if he might so term it, of 560 officers in the infantry and cavalry; 141 officers of 19 years' service would be superseded by 79 officers of Artillery and Engineers of shorter service, and 50 officers of 22 years' service would be superseded by 184 officers in the Artillery and Engineers who had served in the Army for a shorter period. The money recently voted by Parliament, moreover, would in a few years cease to cause a flow of promotion such as now existed, and therefore it would be unfair to forecast the future by the existing state of facts. The intended promotion had been attempted to be justified by the importance attached to field batteries of artillery; but if hon. Members would take the trouble to compare the numbers and distribution of the men composing the other branches of the service, they would find that at the present moment the Artillery had by far the largest number of field officers in proportion. In fact, so numerous were the officers of field rank in the Artillery that it not unfrequently happened a large proportion were on permanent leave, receiving full pay, in addition to those who were absent from duty on sick leave. Thus, in the Royal Artillery there were 29 brigades with 1,525 officers, of whom 174 were field officers, and it was proposed to add other 283, making 457 in all; while in the infantry branch of the service there were 4,760 officers, of whom 423 only were field officers, so that the Artillery, as would be seen, possessed field officers in much larger proportion than the infantry arm of the service. In the course of the discussions on this subject a great deal of use had been made of certain actuarial calculations—documents upon which the Secretary of State for War generally fell back when he desired to commit some gross injustice. Those calculations were of no value whatever in reference to the present question, because they related to a time when promotion by purchase was the rule in the Army generally, what were called the Scientific Corps being alone excepted. Actuarial calculations, therefore, could only possess value when an uniform system of promotion all through the Army had been in practice sufficiently long to allow of its effect being accurately judged. If selection were good for one branch of the service, surely it was good for the other; and he was unable to imagine on what ground the right hon. Gentleman could defend the system of retaining the officers of Artillery until they were willing to take retirements, without attempting to subject them to the rule which he intended to apply rigidly to the other branches of the service. It was no small matter, moreover, that this change had been carried out by a Royal Warrant without any discussion in Parliament, for from the Estimates it was impossible to ascertain that the money had been asked for or voted, because it was not included as it ought to have been in the item for ordinary regimental daily pay, but in the Miscellaneous Vote for additional pay. He challenged any Member unconnected with the Government to say he was aware that the promotion of these 420 officers from the rank of captain to that of regimental major had ever been shown on the Estimates. It was proposed to abolish the privileges of the Guards; but the right hon. Gentleman was erecting in the Royal Artillery and Engineers a still greater close corporation, and one that would be more prejudicial to the rest of the Army. Piecemeal legislation like that for the Artillery would therefore certainly lead to applications being made for alterations in the organization of the infantry and cavalry. The instance of the Indian Army ought to have induced the right hon. Gentleman to act with extreme caution, and the warning given by Lord Sandhurst in the other House of Parliament would assuredly have made any prudent Minister pause before introducing such a change. The right hon. and gallant Member concluded by moving for the Select Committee of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire whether the intended promotion to the rank of Regimental Major of First Captains of Artillery and Engineers at an annual cost to this Country of over £20,000, and at a further addition to the Indian Military Expenditure not yet stated to Parliament, is justified by any commensurate advantage to the Public Service,"—(*Sir Percy Herbert,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. OSBORNE said, this was a most important Motion, and it was to be regretted that it should have been brought forward at such an hour of the night, and also at so late a period of the Session. He understood, notwithstanding what had fallen from the right hon. and gallant Gentleman opposite, that at the beginning of the Session the right hon. Gentleman the Secretary of State for War gave notice, that it was his intention to do that to which the right hon. and gallant Officer so much objected, and that provision was made in the Estimates for the purpose. Now, he was surprised to hear an officer of such great ability and distinction as the right hon. and gallant Gentleman treat this subject as he had done, and talk of these distinguished corps—one third of the Army—the Royal Artillery and Engineers, as "a close corporation." What were the facts of this case which had been so carefully obfuscated at that hour of the night by the right hon. and gallant Officer? It was notorious that for years past there had been a total stagnation in the Scientific Corps. And what was that stagnation owing to, but to a want of a due flow of promotion? so that what was a private grievance among the officers of the Artillery and Engineers became almost a public danger. In 1867 the grievance rose to such a pitch that a Committee, of which Mr. Childers was the Chairman, was appointed to inquire into the subject. That Committee spoke of the "despondency" of the Force in consequence of the want of promotion, and proposed a plan of retirement so expensive that this House would not listen to it. In 1872 there was a War Office Committee, and what did it say of this "close corporation?" It spoke of the despondency of the officers of the Royal Artillery and Engineers as being injurious to their efficiency. It should be remembered that majors of Artillery existed formerly, but were abolished in 1827. And now, there being no majors, there were first and second captains. A second captain scarcely ever obtained his distinguished rank until he was 40; and as for the first captains he was afraid to say what their age might be. The right hon. and gallant Officer opposite talked of "supersession" by these officers. But what was the average of their commissions taken from the day the first commission was obtained? Promotion meant the supersession of somebody, and if these captains were promoted at once to be lieutenant-colonels they would supersede every major in the service. The real question was this—ought a field battery to have a field officer in command? Now, he deprecated all comparisons between the brother branches of the service. He thought it mischievous to talk of any set of officers "tapping at the door of the Horse Guards." He lamented that the right hon. and gallant Officer should have followed a mischievous example in "another place," because the noble Lord who set it, and who was in very high command, ought not to have cast any reflection on a most important branch of the British Army. Did not everyone know that as science advanced, the importance of Artillery became greater and greater every day.

Let hon. Gentlemen look at the responsibility of an officer in command of a battery of Artillery. He did not mean to draw any invidious distinctions—the experience which he had was derived from another branch of the service; but he could not shut his eyes to the great importance of Artillery, and he could not understand any officer of the Line being jealous because his brother officers were about to regain that lost ground which for 40 years they had been deprived of. A captain of the Line had two subalterns under him and 80 men. The first captain of Artillery had under him one captain, three subalterns, 195 men, and 188 horses.

Major General Sir PERCY HERBERT remarked that a captain of the Line would in time of war have 100 men under his command.

Mr. OSBORNE: But was that equivalent to 195 men and three subalterns? In "another place" it had been attempted to be proved by Lord Sandhurst, the Commander of the Forces in Ireland—which, by-the-by, he very seldom visited—that there was a distinction between the colonel of a regiment of infantry and the captain of a field battery, because, as the noble Lord said, the latter did not select the position for his guns. But did the colonel select the position for his regiment? And yet people talked of a "close corporation."

Major General Sir PERCY HERBERT explained that he spoke of "the close corporation" of the Guards, and said that that expression had been applied to the Guards in times past, but now it was proposed to make a similar "close corporation" in the *Artillery*.

Mr. OSBORNE: How were they making a close corporation in the Artillery? Was it by giving back rights of which these men had so long been deprived? Had the right hon. and gallant Officer forgotten the conduct of the Artillery on many occasions—in Scinde, in New Zealand, and elsewhere? The fact was, they were doing a tardy justice to that great body of men, and he hoped the House would stand by them and support them in this most necessary and efficient measure of reform.

Mr. HOLMS regretted that there should have been any comparison between the different branches of the service, and advocated a system of retirement such as that which had been recommended by the Committee which had considered this subject, instead of the course recommended by the Government. The question that must shortly force itself upon our attention was the advisability of giving a captain of the Line the command of a much larger number of men and a greater share of responsibility. In the Prussian service a captain had the direction in time of peace of 160 men, and in time of war of 250 men. Compared with the Prussian system, the number of officers of the higher grades in our service was out of all proportion, being as 5,317 to 3,251; and it was now proposed to still further increase that proportion by the promotion of 349 additional field officers—namely, 283 as by the proposal now under discussion, and 66 in connection with the depôt centre scheme. It had been stated that we had reduced the number of our officers by 1,200, but of these 700 were subalterns, and the course thus pursued was directly opposed to that adopted in business and in other departments of Government, where the endeavour was not to make the necessary reductions in the lower grades, but to keep down the expenditure in the more responsible and more highly paid branches.

Mr. STACPOOLE suggested that the officers who were necessarily passed over should receive brevet rank without additional pay.

Mr. CARDWELL said, that his right hon. and gallant Friend opposite had made one or two curious mistakes during the course of his speech, and he appeared to be much surprised that when the Estimates had been framed no provision was set down in them for majors of Artillery and Engineers. He would remind him, however, that when the Estimates were framed no such rank was in existence, and that it had been found necessary to frame them in accordance with the Royal Warrants then in force. His right hon. and gallant Friend had taken upon himself to say that the alteration had been smuggled into the Estimates. [Major General Sir Percy Herbert said, he did not say so.] That was all very well, but it was the old story of "Don't duck him in the horse pond." He would remind his right hon. and gallant Friend that, so far from smuggling it into the Estimates, his explanations regarding it were very copious, and required three pages of *Hansard;* and that if there had been no discussion, it was not his (Mr. Cardwell's) fault, but the fault of his right hon. and gallant Friend himself. What had his right hon. and gallant Friend done since the time when he (Mr. Cardwell) had introduced the matter? Why, nothing. Yet, neglecting to discuss the matter at the time, his right hon. and gallant Friend, after an interval of four months, came forward to ask for an inquiry. Nothing was more common than to ask for an inquiry when the matter was new and anything required examination; nothing less common than to ask for an inquiry upon a subject four months after the House had decided upon it. The fact, however, was that the subject had already been inquired into. A Committee, of which his right hon. and gallant Friend was a Member, sat upon it in 1867, and the recommendations made by that Committee involved a larger expenditure than that which his right hon. and gallant Friend now regarded as excessive. His right hon. and gallant Friend had complained in his Motion of the expense which the Government scheme would entail on the Indian Revenues; but on inquiry at the India Office, he learnt the proposal made by the Government would not involve any considerable additional expenditure. When his right hon. and gallant Friend spoke of the impolitic expenditure and faulty organization of the scheme, he evidently overlooked the fact that the expenditure was smaller than that which he had himself recommended. The truth was, that it was a bare act of justice to the Artillery and Engineers that the responsible position which they held should be filled by field officers. The question of supersession he did not feel disposed to enter on at any length, since it must be evident that in an Army in which promotion ran, not in one, but in several lines, supersession must be of constant occurrence, but as his right hon. and gallant Friend had referred to particular cases of supersession, he might mention the case of a captain of the Bengal Artillery, who had 27½ years' service, who had served through the Punjaub campaign, who had received a severe gunshot wound, and who was still a captain. Supersession, he would remind his right hon. and gallant Friend, was felt quite as much by one man as by another, and it was not the more agreeable because it had been effected by purchase or privilege, or by a combination of both. Those who served in the Engineers or Artillery had quite as good an objection to be superseded as other men, and he was prepared to defend the arrangement made by the Government on two grounds, the first and main ground being that of organization. He contended that the commands of field batteries and garrison batteries were services which ought to be in the hands of field officers; and in the second place it was, he maintained, an act of bare justice to the Artillery and Engineers to give them the promotion which they would obtain under the proposal of the Government. He did not, he might add; believe that there was any general feeling in the Army hostile to the course which the Government proposed, and it would indeed be a matter of regret if justice could not be done to two eminent branches of the military service without creating any such feeling.

Amendment, by leave, *withdrawn.*

ARMY—STAFF OFFICERS.

RESOLUTION.

Sir HARRY VERNEY, in moving the Resolution of which he had given Notice, dealing with the training of Staff officers, said, he must contend that the Army would be much improved by the officers returning to their different regiments after a special system of training while on the Staff. The plan had been adopted in the Prussian Army with signal advantage to the service.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable that there should be appointed a permanent Chief of the Staff of the Army, and a Department formed for the special training of Staff Officers, to collect all information necessary for the efficient performance of Staff duties, and for certifying the competence of Officers employed on the Staff,"—(*Sir Harry Verney,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CARDWELL trusted the hon. Baronet would not press his Motion at so late an hour (20 minutes to 1 o'clock), and, with respect to a Chief of the Staff, said that all the duties of such an officer were at present discharged by His Royal Highness the Commander-in-Chief.

Amendment and Original Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

PALACE OF WESTMINSTER—FIRE IN THE CLOCK TOWER.

QUESTION.

SIR COLMAN O'LOGHLEN asked the First Commissioner of Works, Whether, in consequence of the fire which had taken place that evening in the Clock Tower, it was his intention to make any alteration in the mode of lighting, and whether he would adopt different coloured lights—one red, and the other green?

MR. AYRTON said, he was happy to assure the right hon. and learned Gentleman that he had incurred no danger by attending in the House to discharge his duty, for the interior of the pinnacle of the tower was built entirely of iron, and therefore could not burn. In deference to the wish of hon. Members, he had been engaged in experiments to discover the best sort of light to place in the tower, and a piece of board used as a support had caught fire from the heat. The accident, however, would not interrupt the exhibition of the light. He must repeat that the only damage that had been done was the burning of a slight wooden screen, but the sparks had attracted the notice of the Metropolitan Fire Brigade, and the greatest excitement that had occurred was caused by the arrival of two fire engines. As the House contributed £10,000 a-year to the fire brigade, it was a matter of satisfaction that they were on the alert, and it would probably induce the House to vote that particular item in the Estimates more willingly. With regard to the suggestion as to coloured lights, they knew that in Ireland the people rather delighted in colours as emblematical of party, but as the House was composed of all parties, he thought a uniform white light would suit best.

House adjourned at a quarter before One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 1st July, 1872.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Court of Chancery (Funds) * (161).
Committee—Report—Elementary Education Act (1870) Amendment * (126).
Report—Trusts of Benefices and Churches (151); Bankruptcy (Ireland) Amendment * (175); Debtors (Ireland) * (175).
Third Reading—Pier and Harbour Orders Confirmation (No. 2) * (134); Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2) * (172), and *passed.*

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

CORRESPONDENCE.

Argument or Summary showing the points and referring to the evidence relied upon by the Government of Her Britannic Majesty in answer to the claims of the United States presented to Tribunal of Arbitration constituted under Article I. of the Treaty concluded at Washington on the 8th May 1871 between Her Britannic Majesty and the United States of America.—North America, No. 11. (1872): And

Correspondence respecting the proceedings of the Tribunal of Arbitration at Geneva.—North America, No. 10. (1872):

Presented (by command), and ordered to lie on the Table.

TRUSTS OF BENEFICES AND CHURCHES BILL.—(No. 151.)

(The Lord Bishop of Carlisle.)

REPORT OF AMENDMENTS.

Order of the Day for receiving the Report of the Amendment, read.

Moved, That the Report of the Amendment be now received.—(*The Lord Bishop of Carlisle.*)

LORD PORTMAN said, he regarded the Bill as one which invaded the principles of lay patronage in ecclesiastical livings. Under the provisions of the Bill a corporation sole—that is in plain English a bishop or a rector in perpetual succession, and not as limited now to the individual named in the deed—might become the trustee of trusts already existing, as well as of those which might hereafter be created. If corporations sole were allowed to become trustees of benefices, they would—or, at any rate, might — absorb the whole control of them, because they would be the electors of the successors to all the lay vacancies in the trust, and might fill them all with corporations sole; while, at the same time, corporations were peculiarly disqualified for the office of trustees, seeing that they were neither liable nor responsible for the discharge of their duties. The Bill was uncalled for under the existing system of trusteeship; there was no mischief done, nor was there any real grievance to redress. The operation of the Bill ought, at any rate, to be simply prospective, and should not be permitted to apply to trusts already in existence. He begged to move that the Report be received that day three months.

An Amendment *moved*, to leave out ("now") and insert ("this day three months.")—(*The Lord Portman.*)

The Bishop of CARLISLE said, the noble Lord (Lord Portman) had misapprehended the meaning and working of the Bill as much as it was possible for them to be misapprehended. In the first place, the Bill had been introduced in order to remove doubts which had been raised by counsel as to the validity of certain trusts for the exercise of ecclesiastical patronage. The noble Lord said there was no grievance to remedy; but he could assure their Lordships that in his own diocese there was a practical grievance which stood in the way of the formation of a "Peel district." In his diocese certain wealthy inhabitants had subscribed money for the formation of such a district. They wished the incumbent to be a member of the trusts by virtue of his office, and also that his successors should in the same way be members of it. This was the wish of the persons who had subscribed the money, and not the Bishop's wish. Under the Act of 1843 it was provided that those who subscribed for such a trust might have a corporation sole as trustee; they might have the Bishop himself, or the incumbent; or they might have a number of individuals to act as trustees; but the moment subscribers said—"We shall have both a corporation sole and a number of individuals for trustees," the lawyers stepped in and said—"You may not do it." That might be good law, but it did not appear to him to be good common sense. To remove such an anomaly was the object of the Bill now before their Lordships. It had been drafted in the office of the Ecclesiastical Commissioners, and it had received the approval of the Earl of Chichester, who was so well known in connection with that Commission. If the Bill did not pass, serious consequences would ensue, because a number of trusts which now existed, and which had been framed in ignorance of the law as it was now said to be, would be declared unsound, and both the Bishops and the patrons would be placed in a very embarrassing position. He hoped their Lordships would not interrupt the progress of the Bill.

The Bishop of LONDON concurred with the right rev. Prelate, in thinking that the noble Lord misunderstood the scope of the Bill.

Lord CAIRNS suggested that if the opinion of the House was to be taken by a division, it would be better to take it on the third reading, and after Notice. He had a good deal of objection to the Bill, because it would it would vest the trust in a corporation sole. If the trust were vested in an individual Bishop or an archdeacon, in whom the subscribers had confidence, it did not at all follow that they would have the same confidence in his successor. It might, perhaps, be better to have a fresh election of such a trustee by a majority of the survivors. He did not know whether the explanation of the right rev. Prelate (the Bishop of Carlisle) might not remove the objections to the Bill, and in order that this might be ascertained he suggested the postponement of the division.

Lord REDESDALE protested against their Lordships dividing against the Bill without Notice.

Lord PORTMAN said, the Earl of Harrowby had given the right rev. Prelate Notice that he would oppose the measure.

The Bishop of CARLISLE replied, that he had not by any means understood that the rejection of the Bill was to be moved.

The LORD CHANCELLOR said, that he had no doubt as to the occasion of the Bill, but whether the present measure was open to objection or not was a fair question for discussion. The

Bill was no doubt introduced to remedy what had occurred in the past, and to provide for the future. He did not then intend to discuss the merits of the Bill, but if it was to be discussed it ought to be done after full and careful deliberation. He thought it would not be right to reject the Bill at a stage as to which no Notice of objection had been given; and, therefore, he would support the reception of the Report, leaving himself open to adopt what course he thought best on the third reading.

Amendment (by leave of the House) *withdrawn:* Then the original Motion *agreed to;* Report received accordingly; and Bill to be read 3ª on *Thursday* next.

LORD PORTMAN gave Notice that he would then move that the Bill be read a third time on that day six months.

COURT OF CHANCERY (FUNDS) BILL.

(*The Lord Chancellor.*)

(No. 43.) SECOND READING.

Order of the Day for the Second Reading read

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that the Bill, which had undergone much discussion in the House of Commons, had been introduced mainly in consequence of the suggestions contained in the Report of a Royal Commission which sat in 1864 to investigate the subject. That Commission was composed of persons who were connected or familiar with the various Departments of the Court of Chancery. It comprised the noble Duke now at the head of the India Office (the Duke of Argyll), the late Lord Kingsdown, himself (the Lord Chancellor), two eminent solicitors—Mr. Field, who had since died, and Mr. Cookson—Mr. Rogers, the very active intelligent Registrar of the Court of Chancery, Mr. Anderson, and Mr. Crawford, the then Governor of the Bank of England. From time to time there had been great accumulations of funds, until they amounted to £3,000,000 invested in stock and from £4,000,000 to £5,000,000 in cash or other securities, arising from the administration of various estates by the Court of Chancery, and which sums stand in the name of the Accountant General. The difference between the invested and non-invested sums arose from the circumstance that when the parties did not like to run the risk of the investments rising or falling, the cash remained to the credit of the Accountant General, and no interest was paid to the suitors; where, however, the parties having the right to do so asked to have their money then in the hands of the Accountant General invested, the money was invested at the risk of the parties, the interest accruing was paid to them, and if when the money was sold out there was any loss the loss fell upon them. The result was that a sum of not less than £2,000,000 remained in the hands of the Accountant General uninvested. Again, the Court of Chancery was authorized by various Acts of Parliament to invest in the name of the Accountant General all monies belonging to the suitors, and thus large sums of money had from time to time accumulated from which the Court obtained a considerable profit. The interest upon those accumulations stood as security against any sudden fall in the funds. The Commissioners of 1864 recommended steps to be taken to secure to the suitors some interest for the monies they thus left in the hands of the Court. Accordingly under this Bill, it was proposed that upon all such money remaining as cash in the hands of the Accountant General the parties ultimately entitled to it should receive 2 per cent. They would be paid this interest and the principal sum would not be liable to any deduction by reason of a fall in stock. There were other advantages to the suitor. One of these was that checks under £25 would be cashed at the office in Chancery Lane; whereas at present suitors had to take them to the Bank of England. This facility would apply to more than half the checks that were drawn. There had hitherto been no mistakes except to an insignificant amount — a fact highly creditable to those who had selected the Accountant General; but suitors had no adequate security, while the Bill would give them the security of the Consolidated Fund. The measure likewise proposed to take the whole of the existing staff of the Accountant General's Office to the Paymaster General's Office. All this could be done without changing the existing state of things. It also provided for an improved system of audit. The movement made by the Treasury last year was, in his (the Lord Chancellor's) opinion, in the right direction, inasmuch as it was most desirable that the whole affairs of the Court, in regard to the suitors' funds, should be placed under one uniform system.

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

Lord CAIRNS said, that no just exception could be taken to the principle of the Bill. As regarded suitors, it proposed nothing that was injurious and much that was beneficial. They would receive 2 per cent interest; whereas they now received nothing unless they undertook the risk of investing their money in the Funds, with the liability of having to sell out at a discount. They would also have the security of the Consolidated Fund. He thought also that the existing machinery of the Accountant General's Office, although well suited for times past, had become very old-fashioned, and required replacing by that which would work more easily and rapidly. He thought that were the funds to be invested in the manner proposed, not only the suitors, but the public also would be benefited by the change. Under these circumstances, he had no hesitation in supporting the second reading of the Bill.

The Duke of ARGYLL said, he was glad to hear that the noble and learned Lord who had just spoken (Lord Cairns) entirely concurred in the general principle of this measure, which was the result of the somewhat laborious inquiry on this subject, in which he had had the honour of being associated with the noble and learned Lord upon the Woolsack some eight years ago. It had not been without some astonishment that he, an unlearned layman, had ascertained what had been the practice of the Court of Chancery with regard to the Suitors' Fund. During the whole time the money remained the subject of litigation the suitors did not receive a single farthing in the shape of interest — unless they preferred a special request that it should be invested, when they were compelled to take the risk of any depreciation in the price of stock. That practice had appeared to the Commissioners very unjust, and therefore they had unanimously recommended that some system should be adopted under which suitors might receive interest for their money during the time it formed the subject of litigation. So strong had been the objection

at one time to interfere with the Suitors' Fund in any way, that it had been scarcely hoped that Parliament would ever attempt to deal with the matter. By successive steps, however, the recommendations of the Commission had now obtained the universal assent of both sides of the House. The proposed change would confer a great benefit upon both the public and the suitors.

Lord OVERSTONE objected very strongly to that portion of the Bill which would exempt a particular class of holders of public stock from paying income tax.

The LORD CHANCELLOR said, that there would be a charge for managing the fund, and the suitors would receive only 2 per cent, whilst the State would receive about 3 per cent, from which, however, income tax would be deducted; so that the gain of the State after all would not be very great. There were a vast number of small payments of £10 and less, and, considering the trouble that there would be in deducting income tax from these small sums, it had been considered better to pay them free of the tax.

Lord REDESDALE observed, that this money was to be invested in Terminable Annuities; but he could not understand how when the Terminable Annuities ceased the suitors were to get their money.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

FENIANISM.—QUESTION.

EXPLANATION.

Lord ORANMORE and BROWNE asked the Secretary for the Colonies, How he reconciles the discrepancy between his statement made in this House on Monday, the 24th June, as reported in *The Times* of the 25th—

> "At no period since the Fenian raid had Fenianism been more quiescent, and at its headquarters across the Atlantic it had never been at a lower ebb,"

and the statement contained in Enclosure No. 8, at end of page 9 (being a letter from the Privy Council of Canada to Lord Lisgar, dated 28th July, 1871), that the Committee must add "the fact that Fenian organization is still in full vigour," and whether the noble Earl has since that date had any fresh information touching the Fenian organization; and, if so, whether he will lay it on the Table of the House? The noble Lord said he asked this Question because it appeared to him that Fenianism was in full vigour instead of being at a low ebb; and from what the noble Marquess (the Marquess of Hartington) in "another place" said the other night, it seemed that the Government was of the same opinion. This was also apparent from the fact that they had for several years not called out the Militia in Ireland, neither had they sanctioned Volunteer corps there; but, strange to say, under the new Army organization system they were forming an Irish Army, the only reasonable object of which must be an anticipation of the disintegration of the Empire.

THE EARL OF KIMBERLEY said, he did not propose to follow up the noble Lord's Question as to the Irish Militia or the condition of Ireland by any reply, further than to say that he did not make his statement on that subject the other night specially as Colonial Secretary, but simply as speaking with reference to an Irish question. With regard to the Question now put to him by the noble Lord, he would begin with the first branch of it. He should have thought the question supplied an answer to itself, because it appeared that the statement of the Privy Council was made on the 28th of July, 1871; whereas his statement was made on the 24th of June, 1872. Therefore, he did not think he was bound to reconcile the two statements. At the same time, when he said that Fenianism was quiescent, he did not mean that the Fenian organization had entirely ceased to exist. He knew that it still continued to exist in the United States. The noble Lord asked him whether he had received any further information touching the Fenian organization, and, if so, whether he would lay it on the Table? Now, he believed it was matter of general notoriety, and might be ascertained from the ordinary sources of information, that the Fenian organization still existing in the United States was quiescent at the present time, and probably never was more quiescent than it was now. He had no further information on the subject to lay on the Table.

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT (No. 2) BILL.

(*The Marquess of Lansdowne.*)

(NO. 172.) THIRD READING.

Order of the Day for the Third Reading read.

Bill read 3^a accordingly.

LORD ORANMORE AND BROWNE said, he desired to move an Amendment which would render the Bill effectual for its object. He showed that under his proposal the Government would advance the whole of the purchase money to tenants not holding above the value of £20 a-year, but would in no case advance a larger sum than would cover 20 years' purchase, and that would be effected without involving a larger advance of public money than could be made by the present principle of the Bill, as in the few cases where advances had been made two-thirds of 30 years' purchase had been advanced. That would enable tenants in Ireland to arrive at what they most desired—fixity of tenure without any further loss to the Government and with a very little additional burden to the Exchequer and with honesty to landlords.

THE MARQUESS OF LANSDOWNE said, he doubted whether such an Amendmen could be made in their Lordships' House; but if it were otherwise, he could not accept it on the part of the Government. As he understood its purport, it was that in the case of very small holdings where the tenant purchased under the Land Act of 1870 the State should supply him with the whole of the purchase-money, and not with a portion of it only, whenever the purchase-money did not exceed 20 years' purchase. Such an alteration would be entirely inconsistent with the intention of the Land Act of 1870, which went on the principle that if the tenant by his own thrift was able to contribute towards the purchase of his holding, the State would aid him with a definite proportion of the whole amount. The noble Lord's Amendment would be a departure from that principle, and would have a very mischievous effect. Another effect of the Amendment would be to give to small holders a statutory right to 20 years' purchase;

and as he doubted whether, in addition to those objections, the Amendment would have the effect contemplated by the noble Lord he trusted it would not be pressed.

Amendment (by leave of the House) *withdrawn.*

Bill *passed.*

House adjourned at Seven o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, 1*st July,* 1872.

MINUTES.]—Supply—*considered in Committee*—Civil Service Estimates.

Public Bills—*Ordered—First Reading*—Metropolitan Tramways Provisional Orders Suspension * [219]; Local Taxation Accounts * [220]; Drainage and Improvement of Lands (Ireland) Supplemental (No. 2) * [218].

First Reading—Prisons (Ireland) * [221].

Second Reading—Bank of England (Election of Directors) * [211].

Committee — Metropolitan Police Superannuation * [207]—r.p.; Pier and Harbour Orders Confirmation (No. 3) (*re-comm.*) * [171], *debate adjourned.*

Committee — Report — Naturalization * [145]; Baptismal Fees * [209].

Considered as amended—Colonial Governors Pensions * [176].

Withdrawn—Clerks of the Peace and Justices Clerks Salaries and Fees * [164]; Marriage with a Deceased Wife's Sister * [14].

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

CORRESPONDENCE. ARGUMENT.

Copy *presented,* — of Correspondence respecting the proceedings of the Tribunal of Arbitration at Geneva [by Command]; to lie upon the Table.—North America (No. 10, 1872).

Copy *presented,* — of Argument or Summary, showing the points and referring to the evidence relied upon by the Government of Her Britannic Majesty in answer to the Tribunal of Arbitration constituted under Article I. of the Treaty concluded at Washington on the 8th May 1871 between Her Britannic Majesty and the United States of America [by Command]; to lie upon the Table.—North America (No. 11, 1872).

BIRMINGHAM SEWERAGE QUESTION.

QUESTION.

Mr. MUNDELLA asked the President of the Local Government Board, Whether he is aware that in consequence of the rejection of the Birmingham Sewerage Bill by the House, the promoters are individually liable for the expenses incurred in endeavouring to comply with two Injunctions of the Court of Chancery; whether he is further aware that the property and revenues of the Corporation of Birmingham are liable to sequestration by the Court of Chancery for non-compliance with its Injunctions, thus depriving a town of upwards of 350,000 inhabitants of all municipal government and control; and, what steps the Government propose taking to afford the relief necessary under such circumstances?

Mr. STANSFELD said, he was not in a position to impugn the statement of his hon. Friend, and was afraid it must be admitted that, in consequence of the rejection of the Birmingham Sewerage Bill, the promoters might be liable to heavy expenses. There was, however, a Bill of the hon. Member for York (Mr. Leeman), the Municipal Corporations (Borough Funds) Bill, now before the House, which dealt with subjects of the character referred to, and he knew no other remedy for the difficulty than one suggested by that Bill. With that view the Government thought it important, under the circumstances, that an opportunity should be given of taking the opinion of the House in Committee upon the clauses of that Bill, and would be prepared to give facilities for that purpose.

LOCAL TAXATION—PUBLIC HEALTH BILL.—QUESTION.

Mr. GOLDSMID asked the President of the Local Government Board, To state to the House the course he proposes to pursue with regard to Clauses 15 and 16 of the Public Health Bill, which by imposing additional charges on the rates, contravene the Resolution relating to Local Taxation agreed to by the House on the 16th of April, to the effect that, "it is expedient to remedy the injustice of imposing Taxation for national objects on one description of property only?"

MR. STANSFELD said, his hon. Friend had put his Question on the Paper under some misapprehension as to the effect of Clauses 15 and 16 of the Public Health Bill. Those clauses would not impose any additional burden upon the rates; but would merely distribute in a different form charges under existing Acts of Parliament, or which might be imposed by other clauses of the Bill. But even if the clauses referred to did impose additional charges, they would not come within the terms of the Motion of the hon. Baronet the Member for South Devon (Sir Massey Lopes) to which the House had assented. If his hon. Friend referred to the Motion adopted by the House, he would find that its terms were to this effect—

> "That no legislation with reference to Local Taxation will be satisfactory which does not provide, either in whole or in part, for the relief of occupiers and owners in counties and boroughs from charges imposed on ratepayers for the administration of justice, police, and lunatics, the expenditure for such purposes being almost entirely independent of local control"

EDUCATION (SCOTLAND) TEACHERS OF PARLIAMENTARY SCHOOLS.

QUESTION.

MR. CAMERON asked the Lord Advocate, Whether his attention has been called to a recent decision by Lord Gifford in the Edinburgh Court of Session, in the case of the Teacher of the Parliamentary School of Onich, who was removed from his office by the heritors of the parish for long continued inefficiency, in consequence of a report by one of Her Majesty's Inspectors of Schools specially appointed for the purpose; and, whether under the repealing clause and other provisions of the Education Bill which has lately passed through this House any teacher of a parliamentary school may, notwithstanding the decision of Lord Gifford, be hereafter removed for inefficiency, in the same manner as the teacher of a parochial or any other public school?

THE LORD ADVOCATE: Sir, I have seen the judgment referred to only in the newspapers; but my attention has been directed to the question decided. The learned Judge expressing himself as upon a doubtful point of law—and it certainly appears doubtful—I may say that I have given an opinion contrary to the judgment pronounced. The main part of the Question, however, is the last; and I have no hesitation in saying that under the Bill which this House has passed, and which has now gone to the House of Lords, the teacher of a Parliamentary school will be removable in the same way as the teacher of any other public school, and the judgment referred to has no effect upon that.

ARMY—THE AUTUMN MILITARY MANŒUVRES—VOLUNTEER REGIMENTS.

QUESTION.

COLONEL LOYD LINDSAY, presuming that during the first period of the Autumn Military Manœuvres the several Divisions will be left to themselves to drill and work independently, and that the latter period only will be devoted to combined movements, asked the Secretary of State for War, Whether, in the event of Volunteer Regiments not being deemed sufficiently advanced to take part in the latter period, they will be allowed to be present during the first period of the manœuvres, and if so permitted to be present during those first eight days, whether such Volunteer Corps who can arrange to attend as complete regiments will be granted priority in their applications over other corps who can only form consolidated battalions by amalgamating together?

MR. CARDWELL: The arrangement, Sir, is that, except in the case of the Wiltshire Volunteers, no corps will be accepted for a shorter period than 15 days. With respect to priority, there is a manifest advantage in accepting corps which can undertake to come out as complete corps of 400 strong; but it is necessary, also, to consider the claims of corps which did not obtain the advantage last year before deciding to accept any which did. In the meantime, the hon. and gallant Gentleman's corps having been out last year, and having only offered to come out for eight days this year, an inquiry has been addressed to them to ascertain whether they will undertake, if there shall be room for them, consistently with the claims of others, to come out for the 15 days. If they answer in the affirmative, their claims will be duly considered.

LOCAL TAXATION—ANNUAL PROSECUTION EXPENSES.—QUESTION.

Sir MASSEY LOPES asked the Secretary of State for the Home Department, What course he intends to pursue in the event of the Public Prosecutors Bill not becoming law this Session, or where its provisions may not be adopted, in order to give effect to the assurance of the Government that counties and boroughs should be relieved from all annual prosecution expenses, and that disallowances should hereafter be discontinued?

Mr. BRUCE: Sir, the assurance given by me on the part of the Government did not involve a promise that the costs allowed by the local taxing officers should be paid without question or revision. The Government undertook to examine the subject with a view to find a substitute for the present system; so that the Treasury might have adequate control over the expenditure without making counties and boroughs responsible for improper allowances. Such a substitute they think they found in the amended Public Prosecutors Bill, which, if not carried this Session, they undertake to introduce as a Government measure next Session. In the meantime, and until that proposal has been discussed and accepted or rejected by Parliament, it would be premature to suggest any alternative plan. But care will be taken in the interval to apply the present system with as much elasticity and consideration for local interests as regard for the public interest will justify.

NAVY—EXPERIMENTAL GUNNERY—HER MAJESTY'S SHIPS "HOTSPUR" AND "GLATTON."—QUESTION.

Lord HENRY LENNOX asked the First Lord of the Admiralty, Whether, before the "Glatton" is fired at by Her Majesty's ship "Hotspur," he will lay upon the Table of the House a Programme of the intended experiment, showing what shot and shell are to be fired, and at what angles of the turret they are to be directed?

Mr. GOSCHEN said, the Government would feel it to be their duty to give full information to the House with regard to this experiment; but he did not think it would be expedient—and it would certainly be contrary to rule—to place beforehand on the Table a programme of the experiments to be performed. Moreover, such a course would appear to pledge the Admiralty that they would be carried out in a certain way, and would interfere with that absolute discretion over the conditions, time, and place of the experiments which the Executive Government were entitled to exercise on such occasions.

BRITISH CLAIMS AGAINST BRAZIL. QUESTION.

Mr. ANDERSON asked the Under Secretary of State for Foreign Affairs, What progress has been made in the negotiation for the settlement of British Claims against Brazil?

Viscount ENFIELD said, that Mr. Matthew, our representative at Brazil, on his return to Rio, took with him instructions to bring to an amicable settlement the mutual claims between this country and Brazil. He returned in the month of April last, and the Government had not yet heard what steps he had taken in the matter.

SUEZ CANAL—INCREASE OF TONNAGE DUES.—QUESTION.

Mr. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the following extract from *The Times* of Saturday:—

> "M. de Lesseps has written a letter to the *Liberté*, dated Paris, June 28, in which he contradicts the Bourse rumours that the Porte, supported by England, had opposed the tariff of navigation dues which the Suez Canal Company will put in force on the 1st of July. He says—'The Sublime Porte has only transmitted to me the representations of the Italian Government, to which I replied, maintaining the right of the Company, which is incontestable.'"

And, whether the Under Secretary will explain to the House what is the actual position of the Suez Canal Company with regard to the new dues they propose to levy on all vessels passing through the Canal after this date?

Viscount ENFIELD: Sir, a suggestion has been made by Her Majesty's Government, through Sir Henry Elliot, that the question of an increase of tonnage dues levied by the Suez Canal Company should be postponed; but information reached the Foreign Office yesterday, to the effect that the agent of the company stated that the Council of Administration at Paris having decided that the new tariff should come into operation on the 1st of July, he was unable to postpone the date, as recommended by Her Majesty's Government.

CIVIL SERVICE—PAY OF TEMPORARY WRITERS.—QUESTION.

MR. PEASE asked Mr. Chancellor of the Exchequer, Whether it is true that by an Order in Council dated the 19th August, 1871, the pay of temporary writers in Her Majesty's Civil Service was placed on a different footing to that on which it existed up to that date; and, if so, whether it is a fact that there are temporary writers now attached to the Civil Service Establishments, who, having entered the service before the 19th August, 1871, have in consequence of this Order been reduced in pay, or deprived of those advantages in pay which were held out to them as inducements for entering the service?

MR. BOWRING said, that when the House was in Committee of Supply he stated that the pay of certain writers had been reduced in the manner indicated in the Question of the hon. Member for Durham. The Chancellor of the Exchequer then denied that such was the case, and he now wished to ask the right hon. Gentleman, Whether he has since made further inquiries on the subject, and whether the statement he (Mr. Bowring) then made is not strictly accurate?

THE CHANCELLOR OF THE EXCHEQUER said, that when it was determined to introduce competition into the Civil Service, it became necessary to look up the whole subject of the employment of temporary writers, which was found to be in no little confusion, because they found this to be the state of the case—that the writers were differently treated under different Departments; that they received different rates of pay and different notices of discontinuance of their services, and that they had different holidays. They might be divided for convenience into three classes. The first, which was the largest class, consisted of writers who were obtained from law stationers, and who received a payment, some portion of which no doubt was paid to the law stationers by way of commission for getting them the employment. There were other writers employed at different rates of pay by the hour in different offices; and besides them there were a set of writers, by far the most important class as regarded this question, who were employed on a system of increment, gradually increasing, with a considerable period of notice, as much as three months, before their services could be dispensed with. Moreover, in cases where they had served five years, they were entitled to a certain gratuity if their services were not any longer required. This state of things was dealt with by an Order in Council in 1871. It was very necessary that it should be dealt with, because, in the first place, there was great danger that as they had blocked up the entrance to the higher parts of the Civil Service by competition, there would be a great rush of writers into the lower outlets of the service; and, in the second place, there was great danger that these writers, who were receiving salaries calculated on an increasing increment, and with certain rates of payment in case of dismissal, should become a sort of secondary Civil Service, and obtain interests almost as permanent as those in the Civil Service itself. The way in which the Government proposed to deal with that state of things was this—they had placed all future writers entirely under the Civil Service Commissioners, who would examine them, and see that they were qualified for the duties of a writer—that was, to write, to copy, and to spell well, with a little arithmetic, and then, whenever a department wanted a writer, it sent to the Civil Service Commissioners for him. The rate of pay was fixed at 10*d.* an hour, and that was certainly somewhat lower than that hitherto given. The law stationers received 1*s.* an hour for each man; but, this being mere mechanical work, he apprehended that there could be no doubt the Government were justified, and were bound, in justice to the public, to obtain it as cheaply as they could. The other part of the subject was much more difficult; that was, those writers who were receiving increment, because they had been a sort of imitation or repetition of the Civil Service. He held it to be absolutely necessary to put an end to it; and the Order in Council stopped the increments from the period of the first Order in Council in 1870, and it might be said, therefore, to have prevented the increase of their salaries that would otherwise have taken place. The case of these persons was well worthy of consideration, and he had a plan in his mind for affording them some redress of a not illiberal character, which he hoped would be laid on the Table in a few days.

Mr. OTWAY, who also had a Notice of a Question upon the same subject on the Paper, said that while demurring entirely from the statement which the right hon. Gentleman had made with regard to the position of the writers, he wished to ask him whether their liberties, as regarded leave, had not been curtailed, and whether during this year he would re-consider that part of the subject, and grant them the holidays they had formerly enjoyed?

The CHANCELLOR of the EXCHEQUER said, he had not the least objection to give them any amount of holidays they liked to take, but during holidays of course they would not be paid. To do otherwise would be to do the very thing he was most anxious not to do, for he did not desire to admit that they had any permanent status or claim on the public whatever. All these things savoured of the Civil Service, and they should be obliged to make a heavy pecuniary sacrifice to get rid of what had already been done in this direction; and they could not be too careful in restricting these writers to the simple relation of persons hired for a short occasion, whose services might be put an and to when they were no longer necessary.

Mr. OTWAY gave Notice that on Class 3 of the Civil Service Estimates he should call attention generally to this subject, and show the House how the matter really stood in regard to these writers.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—OBSERVATIONS.

Mr. EYKYN said, that the Order for going into Committee on the Marriage with a Deceased Wife's Sister Bill was the 31st Motion on the Paper, and there could be no prospect of the success of the Bill unless the Government would take it in hand. He appealed to the right hon. Gentleman at the head of the Government to do that, in deference to the many discussions and divisions in its favour that had taken place in the House.

Mr. GLADSTONE said, that he could not hold out any expectation that the Government would hold themselves responsible for the passing of the Bill during the present Session. The subject was one which, if the Government were prepared to take it up at all, ought to be taken up at the commencement of the Session, and not because, towards the end of it, the Bill was in a position of difficulty and embarrassment. At the same time, if the Government did take the matter into its own hands, he did not know that it would have any effect on the successful passing of the Bill. It was true that certain Members of the Government had given it all the support in their power; but the distribution of opinion upon it, both in the House and in the Government, was well known, and it had never been regarded as a Government measure.

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £31,052, to complete the sum for the Maintenance and Repair of Royal Palaces.

Mr. STACPOOLE said, he hoped that was not an inopportune moment to ask the First Lord of the Treasury, whether any steps had been taken with the view to the establishment of a Royal residence in Ireland?

Mr. GLADSTONE said, he could not see the connection between the question of a greater intercourse between the Royal Family and Ireland and the establishment of a Royal Palace in that country and the repairs of the Royal Palaces in this country.

Vote *agreed to*.

(2.) £75,876, to complete the sum for the Royal Parks and Pleasure Gardens.

Mr. BOWRING asked the Chief Commissioner of Works for an explanation of the large increase in the items for St. James's, the Green, and Hyde Parks—an increase of more than £2,000 over last year, apart from the fact that in last year's Vote the sum of £2,123 was granted for "extraordinary works," whereas this year that item only came to £450. He also asked, in the interests of the poorer classes, who lived in large numbers in such districts as Kensal New Town, to which Kensington Gardens were the nearest public park, whether his frequent complaint as to the entirely neglected state of the north side of those Gardens would be attended to, and whether any flowers, for instance, would be planted there, the expense of which would be quite trifling? At present those persons, if they wanted to enjoy the gardens, must walk three-quarters of a mile across them, in addition to a long walk there, and do, moreover, what they disliked—namely, mix with the upper classes.

MR. AYRTON said, that he had not the details of the increase in the items referred to by the hon. Gentleman, and was therefore unable to explain the matter. In regard to the north side of Kensington Gardens, it was not intended that it should be neglected; but it was not desirable that there should be the same quantity of flowers and plants that was to be seen on the south side. Variety was desirable; the north side was used for walking, and persons found the trees and shrubbery very agreeable.

MR. BOWRING asked what the right hon. Gentleman meant to do with respect to the drinking fountains which, on a former occasion, he undertook to provide for the different Parks?

MR. AYRTON said, the proposal was to have a simple fountain, and that would be carried out.

MR. BERESFORD HOPE pointed out to the hon. Member for Exeter that the south side of Hyde Park was very bare of trees, while upon the north side there were some very fine trees. In that fact was to be found a reason for the larger outlay on the south side.

MR. MITCHELL HENRY hoped the right hon. Gentleman would place a few more seats in St. James's Park. He knew there were objections to an increase of seats, but the presence of a few extra policemen would remove the objections. When going through the Park, he felt exceedingly sorry to see the poorer people turned away from the chairs because they were unable to pay the penny which the upper classes could afford to pay.

SIR JOHN TRELAWNY asked whether the Chief Commissioner of Works would not think it desirable to plant Hyde Park with more evergreens, to take the place of deciduous plants, so as to make the grounds more ornamental during the winter months? It also occurred to him that there should be bathing-places in the middle of the Serpentine, formed by something made to represent islands resting on piles, with a passage to the land. Railings should be placed round the islands, and the railings being covered with evergreens, the bathing-places would in the distance appear mere islands. There should be bathing-places for both men and women. He was told that there were a number of persons, about 30, calling themselves "All-the-Year-Rounders," who did actually bathe in the Serpentine all the year round, and they certainly ought to be considered.

MR. DENISON asked what was being done towards the erection of a fountain at the north end of Hamilton Place, the cost of which was to be defrayed out of money left by a deceased lady?

MR. STAPLETON inquired when the Chief Commissioner of Works expected to have a better supply of water in Victoria Park?

MR. BERESFORD HOPE objected to money being wasted in the planting of evergreens in the Park, they being trees the inevitable fate of which was to become the colour of rusty iron and then die. Why not try acacias, laburnums, and other spring-flowering trees, and give up the eternal repetition of lime and plane trees? A good selection of deciduous trees would very much improve the effect.

VISCOUNT BURY said, it was generally allowed that great improvements had been effected in the public gardens since they came under the charge of the right hon. Gentleman, and, contrasted with their former condition, they were now such an ornament to the metropolis as to elicit the admiration of foreigners. He congratulated the Chief Commissioner on his success in that particular.

MR. W. H. SMITH trusted the Chief Commissioner of Works would give an assurance to the Committee that more free seats would be provided in Hyde Park and St. James's Park.

MR. AYRTON said, the whole of the grounds were under the charge of one of the most accomplished gardeners in England, and he exercised his judgment in the cultivation of the Park, guided by an experience of many years. All classes of trees had been recommended in turn, and the proper selection to make had been discussed for generations; and he trusted hon. Gentlemen would excuse his saying that it was one of those questions which could not well be settled in Committee. With regard to the fountain in Hamilton Place, the lady referred to died when in the midst of prosecuting her enterprize for providing public baths in the Parks for London, and he had £50,000 in his possession which she had intended to appropriate for that purpose; but that and all other cognate matters must remain in abeyance till her estate was finally wound up. The fountain, however, was in the hands of a sculptor, under a contract, and the work was being carried on. [Mr. DENISON: Who is the sculptor?] Mr. Thornycroft. With reference to Victoria Park, an additional supply of water had been provided, and they were now considering how it could be further increased. Seats had been added from time to time in Hyde and St. James's Parks, and there would be no objection to furnishing more if they were required by the public. The seats, however, did not interfere with the chairs, as the persons who used the one would not use the other.

MR. OTWAY said, he never rode in Hyde Park, because he could not find room there; and he wished to know whether the Chief Commissioner would take into consideration the expediency of making a ride for equestrians in Regent's Park?

MR. AYRTON said, he thought there was not such a desire on the part of the public for a horse-ride in Regent's Park as to justify the expenditure necessary for the formation of a horse-ride there. It was true that at certain periods of the day Rotten Row in Hyde Park was crowded; but the horse-ride on the northern side of the Park was comparatively deserted at most periods. Another way of avoiding the inconvenience of overcrowding, and one which he adopted, was to get up at 8 o'clock, and ride in the Park, or else in the evening.

MR. RYLANDS said, that the Royal Parks and Gardens Bill having received the Royal Assent, he should like to know when the rules for the Parks might be expected to be laid on the Table?

MR. AYRTON: In the course of a week.

Vote *agreed to.*

(3.) £99,875, to complete the sum for the Maintenance and Repair of Public Buildings, &c.

(4.) £10,250, to complete the sum for Furniture, Public Departments.

MR. MELLOR said, he wished to call attention to the fact that on every £4 charged for furniture the official expenditure was 12*s*.

MR. AYRTON, in reply, said, the establishment was a kind of furniture police for the protection of the public

Revenue; its efficiency being tested not so much by what was spent as by what was prevented being spent. The duty of the office was to see that nothing was supplied which the public service did not imperatively require.

Vote *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £22,741, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Buildings of the Houses of Parliament.

MR. BOWRING said, he wished to call attention to sub-section 3 of this Vote, relating to warming, ventilating, and lighting. On gas and fuel, of the great expense of which he had on former occasions complained, he was glad to observe his right hon. Friend had within the last two years effected a saving of £1,300; but he thought economy might, with great advantage, be carried still further. The heat and glare of gas, arising from the enormous quantity consumed — say, 30,000,000 cubic feet for three months in winter and three months in summer—were, in some parts of the House, perfectly intolerable, and the books in the Library, especially, suffered in consequence. In the short conversation which occurred on Friday evening the right hon. Gentleman stated that the fire in the Clock Tower had been occasioned by the wooden frame at the back of the gas jet unexpectedly taking fire from a change of wind. Now, it seemed to him that if the light had been placed in an iron tank the fire would not have occurred, and he wished to know whether the accident had arisen owing to the desire to save a few pounds in the erection of proper machinery, or whether, which was more likely, it was the result of carelessness?

MR. GOLDSMID said, he should be glad to know what the right hon. Gentleman intended to do to preserve the works of art in the lobby? Some of the frescoes had suffered considerably, and the public would be glad to know that there was some probability of preserving them. He thought there was nothing to find fault with in the warming of the House, compared with what it was some years ago.

MR. BERESFORD HOPE said, he should like some information as to the artist and subject of the fresco for which they were called upon to vote £500 under this head, so that hon. Members might really know whether they were voting money to advance or retard the progress of high art in this country. He hoped the old oil-lamps would be restored in the division lobbies, instead of the present flaring gaseliers, which rendered what used to be the coolest place in the House the most oppressive.

MR. MACFIE suggested that seats should be provided in the outer hall for strangers waiting to see Members, and for the accommodation of aged and infirm visitors. He also thought the accommodation in the Ladies' Gallery might be greatly extended if his right hon. Friend would only exercise a little of his characteristic ingenuity and gallantry, and go a little step farther and slope the seats from the back to the front. As at present arranged, only the occupants of the front seat had the advantage of seeing and hearing. There was always a rush to the front, and the two back benches were generally unoccupied.

VISCOUNT BURY observed that the complaints which used to be made as to the want of accommodation within the House appeared to have sunk into silence, he presumed from a feeling of despair, for the evil was as great as ever, if not even greater. The average attendance of Members was greater than it used to be, and steadily went on increasing. Times out of number he had seen hon. Members come down, and try in vain to find a place from which they could address the Chair. He asked whether the question of extra accommodation within the House itself had been shelved, and whether the silence observed on the subject had been construed by the right hon. Gentleman into an acquiescence in the present state of things?

MR. R. N. FOWLER said, that, in former debates on the size of the House, when the present Parliament was younger, the Prime Minister had said—"Wait, and see whether the large attendance of Members is maintained;" and experience had justified the prescience of the right hon. Gentleman in that respect. True, during the debates on the Irish Church Bill it was difficult for some Members to find seats; but there was no longer any pressure, except very occasionally, when a large division was impending, and then it only lasted for a few minutes. The House at that moment could not be called a thin House, and yet there was abundance of room to spare. The evils consequent upon enlargement, he was afraid, would be greater than those that were suffered now, for any additional seats would not be so good for hearing as those which now existed. It seemed better, therefore, to limit the accommodation to the number of Members in the habit of attending than to put them to inconvenience by providing for a larger number, including those who were not in the habit of attending, except when whipped up for a great division. The Government ought to consider most those who were in the habit of attending night after night, in order to make a House and carry on the Business of the country.

MR. ALDERMAN W. LAWRENCE complained that the heat of the Library had been greatly increased by the lowering of the chandeliers by two feet, and the disuse of candles, which could be extinguished when not required. He believed that when the lighting was by means of candles the atmosphere was much better than it was at present, and he hoped the right hon. Gentleman would return to the former mode of lighting. He also thought the books were suffering material damage from the great heat.

MR. CAVENDISH BENTINCK said, he should be glad to hear if there was any probability of the "Judgment of Daniel," by Herbert, being soon placed in the public position for which it was destined. The item for frescoes took him by surprise, because it had been understood that, on account of their fugitive character, they were to be superseded by mosaics; and therefore he should be glad of an explanation of the adherence to fresco-painting, unless, indeed, the use of the word were an error of the Press. No hon. Member could go round the building without observing the ravages that time was making with the soft stone; all kinds of projects to arrest decay had been mooted, but nothing effective had been discovered; and it was, therefore, desirable that the Committee should receive some information as to whether anything effectual could be done. The late Chief Commissioner removed paint which had been uselessly put upon beautiful stone inside the building, and he (Mr. C. Bentinck) considered it a great improvement; he therefore regretted to observe that the bases of statues in St. Stephen's Hall had been covered with about the most ugly and unsuitable paint that could be used. He quite agreed with what had been said about the gas in the Library, and would suggest that the heat could be reduced by instructing the attendants to lower the lights that were not being used. He did not see the use of the lantern in the pinnacle of the Clock Tower, which caused the alarm of fire on Friday night, and he hoped that the signal would be discontinued.

Mr. RYLANDS said, he wished to call attention to the fact that a number of rooms over the Committee-rooms were not in use, for it would be desirable, if it were possible, to facilitate the access to the House of hon. Members sitting on Committees when the Division bell rang. He believed the House itself was large enough for the ordinary attendance, and that to enlarge it would increase the difficulty many hon. Members had in making themselves heard. The Members' light was a very useful beacon, often looked for by Members who were three or four miles away from the House, who were saved a useless journey when the absence of the light indicated that the House had risen. The light, he believed, had involved only a very slight expense, while it must have saved many hon. Members a good deal of trouble.

Mr. J. S. HARDY suggested that a simpler plan would be to exhibit the light during those hours of the night when the House was not sitting.

Mr. DILLWYN said, he thought it was a discredit to the country that hon. Members were obliged, when a division was called, to crowd into the passages leading to the House, and to ask some hon. Friend what was going on. Greater facilities of access to the House ought certainly to be provided, and he thoroughly concurred with the remarks of the noble Lord (Viscount Bury) in reference to the subject.

Mr. AYRTON said, he would, in the first place, reply to what his hon. Friend the Member for Warrington (Mr. Rylands) had said respecting the number of rooms in the building. Perhaps hon. Members generally were not aware that there was in the upper story of the House a beautiful suite of some 10 rooms, which he believed had not been used for the last 20 years. No doubt that was a great waste of public accommodation, but there was considerable difficulty in utilizing the rooms. They had been given to the House of Commons for its own use; and therefore it had not allowed anyone to intrude into that part of the Palace of Westminster. No one could get to these rooms without ascending the staircase which the House claimed as its own, and he was afraid, therefore, that they must still remain unused and unoccupied; whereas if a staircase were made for Members to come down from the Committee-rooms by a short cut, instead of having to find their way to the House by a public staircase, they would perhaps be less tenacious of the occupation of this suite of rooms. With a view to effect the desired end, some years ago he proposed that the staircase leading to the smoking room should be extended upwards to the corridor of the Committee-rooms, and be reserved exclusively for the use of hon. Members. The estimate made for the cost of the alteration was, however, very considerable, and the suggestion was not carried out. Since then, the subject had been reconsidered, and if the extension could be made consistently with certain difficulties connected with the ventilation of the House, he should be glad again to propose the plan. In the event of its adoption, it might be possible to utilize the rooms above, for other persons than Members might then be allowed to use the public staircase, in order to reach the suite of rooms to which he had just alluded. With regard to the light in the Clock Tower, it was a mistake to suppose the slightest risk had been incurred by reason of the use of a piece of wood, for the upper part of the tower being wholly constructed of iron there was no chance of its taking fire. In fact, there was no alarm experienced on the occasion, except that caused by the arrival of the fire-engines. The experiment was only a temporary one, and the wood was used because it could be easily adapted from time to time to any alteration. As to substituting the light behind the face of the clock for the light used in the tower, great inconvenience would arise from extinguishing the light behind the clock face at uncertain times. It was far better to have an independent light for the purpose of indicating when the House was sitting, and as far as he could gather it had already been found to be a considerable convenience to hon. Members. If, however, the reverse was the case, and hon. Members did not appreciate the light, it could be removed, for it was no particular pleasure for him to keep it burning. The suggestion, however, that it should only be lighted when the House was not sitting, could not, he thought, be adopted. As regards the library, he had to state that there was no additional gas there at all. Until recently all the gas burners in the library were so placed that they could not give sufficient light. No one, in fact, could see to read a book without lighting a wax candle, and under these circumstances he thought the best thing to do was to utilize the gas-burners. The complaint now was that the light was too strong; but that inconvenience could be easily modified by slightly turning down the gas, according to the reader's experience. The same remark was applicable to the gas in the lobbies, which he might remark had been made much cooler than they used to be by additional openings for ventilating purposes. It was determined by the Royal Commission that the compartments in the Central Hall should be illustrated with pictures of the four patron Saints. One of these—St. George—had been executed in the Venetian or glass mosaic. Undoubtedly, the opinion generally entertained was that the glass mosaic was not very satisfactory as a work of art, or fitted for the decoration of the walls of the Palace of Westminster. It appeared to him, therefore, that he ought not to proceed further with that species of decoration without consulting gentlemen who were professionally conversant with art. In the first place, he asked all the artists who had been practically concerned in fresco painting, whether it ought to be abandoned as an impracticable mode of decoration; and here he might remark that he himself had no particular preference for fresco painting or for any other mode of decoration. Well, they thought it would be quite premature to abandon fresco painting, because the eminent chemist who was associated with them in their inquiry, was of opinion that the failure of the frescoes could be traced to definite causes, and that with a knowledge of those causes we might bring the art to perfection. That being their opinion, the gentleman who drew the design for St. George, and who had also been engaged to make the designs for the other three panels, said he should be prepared to undertake fresco painting if he were desired to do so; and he might add that this gentleman had himself been associated with the Committee, because it was thought he would examine the subject in an eminently practical light. No definite arrangement had, however, been come to with regard to the matter. The artist's original engagement was to make four designs for the glass mosaics; but that gentleman had since declined to continue to furnish them at the particular price then stated, and had himself withdrawn from the engagement. One grave objection to the glass mosaic was, that a comparatively small sum was paid for the work of art, while three or four times as much money was paid for putting the pieces of glass together to represent the original painting. That did not at first sight appear to be a good mode of advancing the highest class of art. Under these circumstances, it was open to the Committee to sanction the payment of the £500 proposed, in order that we might, with all the experience which had been obtained, make another effort to obtain a fresco panel. On the other hand, there were other modes of painting. For example, there was the method applied by Mr. Maclise, which it had been hoped would be better than the ordinary fresco; but, unfortunately, that gentleman's work had now begun absolutely to decay and peel off; consequently, the mode he adopted could not be repeated. The subject had been carefully considered by the chemist who had devoted much time to the question; but he had not yet made his final Report as to the steps to be taken for arresting the decay of the large cartoons. As to the "Judgment of Daniel," which was ordered several years ago to be painted by Mr. Herbert, while it was in an unfinished state the canvas unfortunately showed certain symptoms of swelling. Steps would be taken to remedy those defects, and a Vote would be proposed to enable him to finish that work. As to the Ladies' Gallery, the back seats were, no doubt, rather low, and he saw no reason why they should not be raised. As to the proposal to enlarge the House, which was recommended by a Committee upstairs, no hon. Member had asked the House to affirm the Resolution of the Committee. He thought the Chief Commissioner of Works should not propose to pull down that House for the purpose of building another, unless the House of Commons itself first resolved that that course was absolutely necessary for the carrying on of Public Business. His personal conviction was, that no such necessity existed. However inconvenient the present room might be, he believed a larger room would be found on the whole to be infinitely more inconvenient. Therefore he recommended the Committee not to adopt any change on that point. At all events, he would not initiate any change. It would be necessary to raise all the pinnacles on the building, and to re-fasten them so that they should not fall down. No doubt too many stones had been used in the construction of that building which exhibited signs of decay. Any stones, therefore, that might be found so defective that they ought to be removed would be removed, and the only thing that could be done to preserve stones from further decay was to coat them with a composition.

Lord ELCHO said, it was somewhat strange that fresco painting had failed in that House, wherever it had been applied; and he wished to know whether it was intended to take out the panel which had been filled in with glass mosaic, and to substitute for it a fresco?

Sir WILLIAM TITE said, a Committee sat upon the subject of the stone employed in the construction of the Houses of Parliament some three or four years ago. They examined some very eminent chemists, and various remedies were suggested for arresting the decay, but it was found that no good could be done by washing the stones with any solution or composition. The only thing available was to cut out the stone wherever it was found to be decaying.

Mr. OSBORNE said, he was of opinion that the time had arrived when the advocates of economy and the lovers of art might join together in putting an end to this diabolical system of voting money for these frescoes. He was surprised that his right hon. Friend, who was really one of the most careful guardians of the public purse, was not satisfied with the experience we had had of these frescoes. We had spent between £40,000 and £50,000 in defacing these walls with the most expensive paintings, which were completely out of character with the building, quite forgetting the example of Venice, and the way in which her frescoes were destroyed by capillary attraction, as our frescoes would be destroyed in another 20 years. The frescoes painted by Maclise had cost £7,500 each, and they were painted by the water-glass process, which was supposed at the time to last for ever; but what was the result now? Why, in the painting of the meeting at La Belle Alliance, Blucher had become very nearly obliterated, and the famous nose of the Duke of Wellington was dropping from his face. The Commission of Fine Arts which sat for the decoration of the Houses of Parliament found rather an expensive plaything. Noble Lords and most noble Dukes went on holding meetings on the subject, although they were warned that the walls of this building were not adapted for fresco painting. And what was the consequence? Every fresco was now rotting off the walls. He believed his noble Friend opposite intended to ask the Committee to put a veto on this Vote of £500, and that was the only way to stop this fresco business. Moreover, with respect to the representation of our patron saints, we were in what the Americans would call "a tarnation tight fix." In the Central Hall we had got St. George and the Dragon in mosaics up near the roof, and he believed it would be found more expensive in the end to take down that patron saint, than to put up the other three patron saints under this Mosaic Dispensation. With regard to the advice given by the hon. Member for Bath (Sir William Tite) not to paint the stone outside the building, did hon. Members remember what happened when this building was about to be erected? There was actually a Geological Committee which sat before the stone was selected, and if anyone wanted to know what had come of their deliberations, he had only to walk out and look at the stone, and he would see that it was in much the same condition as the frescoes inside. He should like to know after that how it was possible to put any faith in professors? He was sure that some subsequent House of Commons would be called upon to cover the whole of the Houses of Parliament with a coat of

Roman cement? To return to the Central Hall, he hoped his noble Friend (Lord Elcho) would insist upon having a distinct answer to the question whether St. George and the Dragon was to remain there or not? Mr. Poynter was no doubt a very great artist and a man of taste; but he (Mr. Osborne) objected to pay him. The original contract was to put up three more patron saints in glass, but certain people objected to it that it was not possible; so it was not done, and it seemed to him that they were to utilize the artist in another way and get him to paint a fresco which no doubt would quickly drop off the walls, with the rest of these monuments of decayed art. The money might, in his opinion, be just as well thrown into the Thames. He moved that £500, the Vote for these frescoes, be disallowed.

Motion made, and Question proposed, "That the Item of £500, for Painting one Panel in Fresco in the Central Hall, be omitted from the proposed Vote."—(*Mr. Osborne.*)

LORD JOHN MANNERS said, he was not certain that the hon. Gentleman who had just sat down had given a correct version of what had been done about the selection of the stone. The Commission that had been appointed did not recommend the stone which was ultimately selected. The particular stone which they recommended was to be taken from the Roche Abbey Quarries in Yorkshire; but the stone actually used came from some quarries in the neighbourhood. With respect to the Central Hall, after the repeated failures that had occurred, it would be an extremely hazardous thing to set about painting frescoes again. And more than that, there would be a certain incongruity in having one panel filled with a mosaic and the other three with frescoes. At any rate, the panel opposite to St. George ought to be filled with a mosaic. As a matter of congruity and harmony, it would be better to have all the panels filled with mosaic, of the enduring qualities of which there could be no doubt.

LORD ELCHO said, that his hon. Friend opposite (Mr. Osborne) had anticipated him in moving the Amendment. If the Committee, after having seen the signal failure of these frescoes, were to vote £500 for another, it would be a most mischievous proceeding. Under all the circumstances, the best course to take would be to complete the whole of the panels in the Central Hall in the same style of decoration as had been already begun.

MR. AYRTON said, the explanation of the matter was this—A number of eminent artists, Royal Academicians, having been asked for their opinion as to the decoration of the walls, made a Report which had been laid on the Table. In that Report they condemned certain modes of decoration, of which glass mosaic was one, on the ground that none of these modes really represented the work of the artist. ["Name, name!"] Among these gentlemen were Mr. Cope, Mr. Watts, Mr. Armitage, Mr. Ward, and Mr. Herbert, the very gentlemen who painted the frescoes, who were very conscious of their own failure, and therefore understood the matter better than anyone else. Those gentlemen having recorded their opinion, it was his duty to present their views to the consideration of the Committee. He himself would give no opinion on the subject. If the Committee was of opinion that Mr. Poynter would fail, he (Mr. Ayrton) was not one of those to urge upon the Committee to proceed with the proposed work, as he thought he had sufficiently discharged his duty by bringing the subject before the Committee.

MR. A. SEYMOUR said, it would be a thousand pities to destroy almost the only indestructible work of art in the House, and nothing could be more foolish than to put up three other frescoes when those which they already had were tumbling to pieces. He should most decidedly vote with the noble Lord opposite upon the question, and trusted that before his right hon. Friend embarked in any more fresco painting, he would allow the Committee to see the paper from which he had been reading, and would take the opinion of other people besides artists?

MR. LOCKE said, he could not approve of the condemnation passed both on the mosaic and the fresco by the hon. Member for Waterford. He was surprised, however, at the observation of the hon. Member who spoke last (Mr. A. Seymour), because some time ago he had approved of fresco on each side of the stained glass window at the west end of the Inner Temple Hall. Now, the Benchers of the Inner Temple had accumulated much evidence as to the decoration of their Hall, and Mr. Poynter had told him that the mosaic in the Central Hall was a failure, that it was not properly executed, and that he would not recommend any more. Mr. Poynter suggested frescoes, and it seemed to be thought that, with new ingredients, frescoes could be made to last for ever. Glass had been put over the frescoes, which would undoubtedly preserve them, and it had been stated that it would be great extravagance to do away with the present decoration altogether, until they found whether or not some improvement could be made. He thought they ought to trust the right hon. Gentleman in this matter.

Mr. COWPER-TEMPLE said, he was quite ready to trust the Chief Commissioner, if the right hon. Gentleman had an opinion upon the subject; but, if he had not, it would be better to rely upon common sense. The report on the decay of the frescoes was very valuable. The decay had been only partial, and, in a great degree, arose from the impurity of colours; and the gentlemen who made the Report suggested various methods in which mistakes might be avoided in future: it would be safe and right to entrust able painters with the task of continuing the fresco painting where it had been commenced. It was important, however, to avoid any retrograde movement, and as they had begun with mosaics in the Central Hall, it was advisable to go on with the work. The mosaic decoration being in its infancy was capable of much improvement, and was admirably suited to large buildings; and, therefore, he hoped the decoration for the Central Hall would be finished in the style which had already been adopted.

Mr. AYRTON said, the Report of the Committee of eminent artists was laid on the Table and printed on February 12. He had asked their opinion upon the subject, because dissatisfaction had been expressed with the mosaic painting. Mr. Poynter had desired that some portions of it might be taken out, and other pieces substituted for it; but he thought such an attempt might not be successful. He did not wish to pledge himself to proceed exactly in the manner pursued with regard to this mosaic; but he thought it possible that they might complete the decoration of the Central Hall in an improved style. If it was the wish of the Committee that that should be done, they had better strike out the item under discussion.

Mr. BERESFORD HOPE said, he must protest against the idea that by striking out this item, they would be substituting mere decoration for fine art; they were simply preferring one process of fine art to another. If it was supposed that the mistakes made in the frescoes might be avoided, was there not ground for expecting that the mosaics might also be improved?

Mr. Alderman LUSK said, it was interesting to hear the authorities on art differing from each other. He had begun to find out that the art critics in that House were not such very distinguished authorities as he used to think they were, and he should like to see them, while they pretended to teach others, agreeing among themselves. He regretted that the Chief Commissioner did not persist in his intention of following the advice of the artists whose Report he had received.

Mr. CAVENDISH BENTINCK said, he understood that Dr. Salviati was not satisfied with the execution of the work, therefore the most reasonable thing seemed to him to be that before they discontinued it, they should try if it would not succeed when the work was better executed. Let them see whether on the Continent, and more especially at Rome, improved methods could not be found of dealing with the subject.

Mr. AYRTON said, that there was great difficulty in going on with the glass mosaic, because Mr. Poynter declined to proceed with the designs; so that the whole matter must be carefully considered, even assuming that they went on with the decoration of the Central Hall.

Lord ELCHO said, that a Committee had been named to decide on the best mode of copying a portion of the cartoons, with a view of their being made more generally known, and he thought some very useful suggestions bearing on the question with which the Committee was dealing might come out of that inquiry.

Question put, and *agreed to.*

Original Question, as amended, put, and *agreed to.*

(6.) £75,250, to complete the sum for the New Offices in Downing Street.

MR. BAILLIE COCHRANE said, he wished to point out the great disadvantage there was in not having a comprehensive plan in dealing with those buildings. There was a sum of £37,000 on the Estimates for the annual hire of offices, which represented a capital of about £1,600,000, and if buildings had been erected for that sum most admirable offices might be secured for the money which was now expended in the shape of rent. He wished to know when the houses in Parliament Street in front of the new offices would be taken down, and whether they had been purchased?

MR. AYRTON, in reply, said, that the £37,000 referred to by the hon. Member was laid out on the hire of offices not only in other parts of the metropolis, but in the country, which offices could not possibly be concentrated in Parliament Street. This Vote was for the completion of buildings now in course of erection on land acquired under several Acts of Parliament, and, therefore, they were only proceeding within the limits of the authority already given by Parliament in reference to the space between Whitehall Place and Charles Street. All the houses between Charles Street and Whitehall Place would be pulled down as soon as the new Home and Colonial Offices were complete. At present, they screened the works in progress, and were useful as offices for persons who must be in the neighbourhood. When those houses had been pulled down, the space they now occupied would belong to the Crown, and it would be competent to Parliament to deal with it as might be thought proper. But it did not follow that the ground would be given to the public of of the metropolis as a street, because that would bring all the noise and turmoil of the street close under the windows of the public offices. ["Oh, oh!"] Probably the space would be reserved. There was, however, a moral claim on the part of the parish to have as much space added to Parliament Street as the parish formerly occupied with King Street, and the claim would have to be aken into consideration. Still, he had no authority to give the space to anybody, for it belonged really to the House of Commons or the Crown.

MR. BAILLIE COCHRANE said, that what he had complained of was that there was no comprehensive plan in dealing with those improvements, and that the right hon. Gentleman did not know, even now, what he intended to do with the space. The noise of carriages passing would be heard as much in the offices if the space was planted with trees as if it was thrown into the street.

MR. AYRTON replied, that all he proposed to do was to carry out the provisions of the Acts of Parliament on the subject. This property had been acquired under Acts of Parliament, and if anything more was required new Acts of Parliament would have to be passed for the purpose.

MR. LOCKE said, he should like to know whether the Department of Works would inform the House, when the buildings in Parliament Street were pulled down, what they proposed to do with the vacant space? He was all the more anxious to have information on this point, because of the course which had been taken with respect to the reclaimed land on the Thames Embankment. The Government had misbehaved themselves in that matter, and would not make any alteration although a Committee of the House had decided what should be done. They had appointed another Committee on the subject, and the result would presently be seen. Was a large brick wall to be built in front of the new offices, or was the open space to be made use of for the purpose of widening the street?

LORD JOHN MANNERS said, the complaint of the hon. Member for the Isle of Wight (Mr. B. Cochrane) was founded on strict justice. It was impossible for great public works to be commenced in a particular method by one Government and carried on in a totally different way by their successors without the greatest possible public inconvenience. But in this instance, the position was even worse, because the change of policy had taken place during the existence of the present Ministry. A scheme was prepared by a Commission appointed by Lord Russell's Government for laying out the whole of this land, and concentrating all the public offices on the long line extending from the Admiralty down to George Street, and that plan was adopted, and the necessary notices given by the late Government. When Mr. Disraeli's Government went out of office a Bill was brought in, which was backed by the names of the present Chancellor of the Exchequer and Mr. Layard, for carrying out the major part of that plan, the execution of which would have obviated the complaints now made by the hon. Member for the Isle of Wight. That Bill, however, was entirely shelved, and now the Chief Commissioner declined to state what was to be done with the line of houses immediately in front of the new buildings. When the Chief Commissioner stated that what was being done was carried out under Acts of Parliament and Votes, agreed to by that House, he must remind the right hon. Gentleman that those Acts were passed and those Votes obtained by the Ministers of the Crown in accordance with certain maps and plans produced for the satisfaction of Parliament, and Parliament was induced to sanction the Bill of 1865 on the distinct understanding that Parliament Street was to be widened by the whole breadth of the land purchased under the various Acts, and not required for the buildings. It was to be regretted that when the whole of the block of houses in question might at one time have been purchased at what would at the present moment be considered a moderate price, this piecemeal policy should have been entered upon, and that a miserable set of houses should be left standing in what might otherwise be one of the finest approaches to the Houses of Parliament, and the Abbey at Westminster.

Viscount BURY remarked that the question was whether the right hon. Gentleman had any comprehensive plan at all, and, if so, when would it be laid on the Table of the House, for they were now within one year of the actual completion of the works. They ought, therefore, to take care how they parted with the control of public expenditure in the matter, and to know whether one of the greatest alterations made in recent years was to be an improvement or not. He was surprised to hear the right hon. Gentleman say either that he had no plan, or that he declined to produce one; and in order to persuade the right hon. Gentleman to give the Committee all the information possible, he should be prepared to move a very material reduction of the Vote.

Dr. BREWER said, it was for the House to determine what should be done with the acquired land, and he asked whether it would not be possible to throw the whole of it into Parliament Street? They could not hesitate to vote what was necessary for the widening of the street, as the object was of an Imperial rather than of a local character.

Mr. GOLDSMID said, that the question was whether the understanding that all the space not required for the public offices should be thrown into Parliament Street ought not to be carried out. The original plan should be carried out for the sake both of the public and of the Government offices themselves.

Mr. COWPER-TEMPLE said, he was rather alarmed at the suggestion thrown out by the Chief Commissioner of Works, that Crown property might not, like other property, be used for the public advantage. The extent of public thoroughfare that had been lost by stopping up part of King Street had to be replaced in Parliament Street; and although the whole of the street could not be widened by the present plan, the widening of half its length would be an important gain in beauty and convenience. He hoped to hear some satisfactory explanation of the right hon. Gentleman's remarks, for he was curious to know at what they could be pointed. The great thoroughfare between Trafalgar Square and the Houses of Parliament ought to be widened, whether from local or from Imperial funds. He hoped the Government would have no difficulty in stating their views upon the subject.

Mr. Alderman LUSK thought the Committee had been a little hard on the Chief Commissioner of Works, for it was not so much his business to say what he was going to do as for the Committee to say what ought to be done. It would be imprudent in the Chief Commissioner to assume the functions of the House of Commons, and decide important points like this, and the Committee ought not to press the matter.

Mr. M. CHAMBERS said, the Committee had been asked to vote £100,000, and for what? This was an estimate of the amount required during the current year for the erection of new offices in Fludyer Street. The hon. Member for the Isle of Wight (Mr. B. Cochrane) had argued that Parliament had been extravagant and incautious with regard to purchases of property for the public offices, yet what were the facts? Forty years ago the Government purchased Downing Street, which was for many years in a dilapidated and uninhabited condition; when suddenly there was a resolve that something should be done; a magnificent scheme for building public offices was drawn up, and afterwards the House of Commons was called upon to vote the money to carry out the plan. If, however, sufficient property for any public improvement was not taken at first, when more was required it could only be obtained at a price beyond that which it would have fetched originally. No doubt this money would have to be voted; but the demand afforded a fair opportunity for commenting on the folly of a Department planning a grand scheme, and then running away from it on account of the great expense, which had been the evil in this case. The Chief Commissioner ought to have been prepared to tell the Committee what he was going to do with the land in question, and his statement that the land was not to be thrown into the open street was not and ought not to be satisfactory to hon. Members, whose duty it was to see how the public money was expended. He did not wish to cause embarrassment to his right hon. Friend; but the House ought to have the power of saying—"You shall not have the money unless you tell us what is to become of the land."

MR. AYRTON said, the discussion had travelled very wide of the real question before the Committee, which had reference simply to the voting of money for the new Home and Colonial Office, for the erection of which, on the faith of former Votes of the House, contracts had been entered into, the works had been commenced, and the money now asked for was for the purpose of paying the contractors. The complaints made as to the non-dedication of lands to the public should be addressed to his predecessors, who had not thought proper to insert the necessary clauses for securing their object in the Acts under which the site was acquired. Not long ago the parochial authorities called on him to ask whether he was not going to widen Parliament Street. He asked them to point out the sections in the Acts requiring that to be done; they, of course, were unable to point to any such directions, but they thought that perhaps he might do it. He, however, had no power to give away the lands which Parliament had bought. The houses were still standing on those lands, and were occupied as offices. When the lands were cleared, then would be the time for whatever Government was in office to decide what should be done with the site. For his own part, he felt no embarrassment and no responsibility in the matter; the time for dealing with it had not yet arrived. He had not prejudiced or predetermined the matter in any way; he left it a perfectly open question. The local authorities seemed to consider that they had an equitable claim to have the breadth of King Street added to Parliament Street. When the proper time arrived, whoever then held the office entrusted to him, would deal with that question according to every principle of justice which could be quoted. The noble Lord opposite (Lord John Manners) was quite wrong in supposing that he had departed from any plans proposed by his predecessors; the plan on which the new buildings were proceeding had indeed been reconsidered by the architect, but the ground plan was precisely the same as that settled by his predecessor in office. As regarded metropolitan improvements, he would remind hon. Members that there was a far greater power than the Chief Commissioner of Works, and that was the Metropolitan Board.

LORD ELCHO admitted that the question as to the land did not arise immediately out of the Vote for the new Home and Colonial Office, but thought it was closely connected with it. His right hon. Friend, in fact, admitted this, when he said that the future occupant of the office which he now held would have to decide the question whenever the land was cleared. This course was too characteristic of all our legislation, which proceeded in a happy-go-lucky, hap-hazard spirit, upon the assumption that sufficient for the day is the good or evil thereof. Had the scheme of that great ædile, Sir Benjamin Hall, been carried out at the time it was proposed, the land would have been acquired at a price which, in these days, would be considered moderate, whereas matters had been deferred from year to year, till at last no one exactly knew what was being done. With a view of rendering matters more intelligible, Mr. Layard, now our Minister at Madrid, caused a great model to be prepared for exhibition to Members in the conference

—now the dining—room of the House of Commons; and if by this or similar means Parliament were enabled to judge of the schemes for public works in progress or in contemplation, the present difficulty would never have arisen. That difficulty arose from this—that a space of land was to be cleared, and the Chief Commissioner of Works told them that his successor would be able to judge how to deal with the land, and that the Government then existing would deal with it on principles of justice. But this was not what was now wanted. What was wanted was that some clear and intelligible system of action should be laid down—not that land should wait until it became vacant, and then be dealt with, in the words of his right hon. Friend, "according to every principle of justice."

Mr. M'LAREN said, that all hon. Members who had spoken seemed to him to have missed the real question. The point whether this space should be thrown into a street had been discussed, and there seemed to be great unanimity of opinion that it ought to be, but the question who should pay for it had never been broached. He held that street improvements ought to be paid for by the Metropolitan Board of Works, and that the people of Ireland and Scotland ought not to be taxed for them. He would put an analogous case. The right hon. Gentleman at the head of the Government had, when Chancellor of the Exchequer, agreed to have Industrial Museums in the three capitals of the kingdom — London, Dublin, and Edinburgh. When the time arrived for carrying out the improvement the Government opposed the erection of the Museum in Edinburgh unless the people agreed to pay the expense of widening the street from 25 to 70 feet. He was one of a deputation who urged him not only to erect the building but to widen the approach to it; the right hon. Gentleman, however, declined to do so, and the result was that the City of Edinburgh had to widen the street from 25 to 70 feet, at an expense of £30,000 or £40,000. If that was the right principle applicable to the North, why was it not applicable to the South—to the City of Westminster as well as the City of Edinburgh? And why should not the Board of Works in the metropolis do what was done by the people of Edinburgh—make the road at their own expense? He said that the rather because so much pressure was occasionally brought to bear upon the Government in relation to the Embankment and other improvements in the metropolis, which ought not to be paid for out of the general taxation.

Mr. BERESFORD HOPE said, he was satisfied that a very large sum of money now voted for the rent of public offices might have been saved if a proper systematic plan for rebuilding them had been adopted at first. The present complication would have been avoided if Parliament had been called upon for a certain sum of money to carry out a fixed mass of buildings capable of decently housing the public offices of the country—say, a new Home and Colonial Office, as well as a National Gallery and a Royal Academy.

Mr. RYLANDS said, a question had been raised—what was to be done with a certain amount of land which had been purchased by the nation when the houses which at present stood on it had been removed? But what was the object of discussing that question now? When the time came for the buildings to be cleared away, then it would be for Parliament to decide what was to be done with the vacant space. His right hon. Friend, if he should remain in office—as he hoped he would for many years to come—could not take any further step in the matter without the express sanction of Parliament. The metropolis must be looked at as a sort of Imperial concern, and he thought the question should not now be pressed.

Lord ELCHO still maintained the opinion he had expressed that it would have been better for the public if the whole plan of these buildings had been laid before Parliament and nothing left to hap-hazard.

Mr. CANDLISH said, he objected to hon. Members in Committee of Supply airing any mortal crotchet they wished. He wished to ask the Chief Commissioner of Works, whether the building for the Home and Colonial Office would be completed for the sum originally estimated—namely, £285,000?

Lord ELCHO expressed his regret that the hon. Member for Sunderland should have thought it right to make remarks which amounted to a censure upon the conduct of the Chairman of Committees.

Mr. AYRTON said, that the contract made was such as to fully justify the conclusion that the work would be carried out for the estimated cost; but, owing to the recent strikes, the progress of the building was now stopped, and any observations he made now must be accepted subject to what might happen in the future.

Vote *agreed to.*

(7.) £9,133, to complete the sum for the Sheriff Court Houses, Scotland.

(8.) £37,250, to complete the sum for the Enlargement of the National Gallery.

Mr. COWPER-TEMPLE asked, whether the area of the new building was such that there would be space enough to admit of the concentration of all the national pictures, including those that were at South Kensington or elsewhere?

Mr. CAVENDISH BENTINCK said, that was another instance of the disappearance of a comprehensive scheme. Some years ago, when the idea was that the National Gallery was to be permanently enlarged, schemes and designs were placed before a Committee, and Mr. Barry was appointed architect; but he was informed that nothing was being contracted for now but certain ugly plain brick galleries. Was it intended to stop there, or was a building to be produced which would be worthy of the nation? If not, we should have another example of the works of one Government abandoned by the next, and of an ulterior expenditure greater than it need have been.

Mr. M. CHAMBERS said, he should like to know whether space would be provided for pictures over and above those already possessed by the nation, because he believed there were many pictures in the hands of private owners who would present them to the nation if due provision were made for exhibiting them. For instance, he had one by Sir Joshua Reynolds which he would gladly give to the nation if it could be hung in a proper place in the National Gallery; and he had reason to believe there were others who would also enrich the national collection if it were likely that their pictures would be properly exhibited.

Mr. BERESFORD HOPE said, he should be glad to understand whether the money now asked for would be spent in such additions to the National Gallery as could afterwards be incorporated into any new building which it might be decided to erect, or whether they would be mere temporary erections for the passing necessities of the day?

Mr. AYRTON said, that the additions to the National Gallery had been expressly designed in such a manner that, while they were intended to be permanent in themselves, they would also be capable of being incorporated into any structure that might hereafter take the place of the present National Gallery. They were planned on a scale that was considered sufficiently large for the immediate wants of the Gallery, and for any that were likely to arise for some time to come; and he could therefore assure his hon. and learned Friend (Mr. M. Chambers) that no difficulty would be interposed to the acceptance of the picture which he had been good enough to offer to the nation. There would also be ample room for any other treasures of art that the friends of his hon. and learned Friend might be disposed to present to the collection.

Mr. RYLANDS wished to know whether the new buildings would be fire proof?

Mr. AYRTON said, that the new buildings would be fire proof, and that great precautions had been taken to prevent the pictures in the present building from being destroyed or injured by fire.

Vote *agreed to.*

(9.) £14,750, to complete the sum for the Glasgow University Buildings.

Mr. BERESFORD HOPE said, he did not wish to oppose the Vote, but would merely remark to the hon. Gentleman the Member for Edinburgh (Mr. M'Laren) that it showed that expenditure of large sums for public buildings was not confined to London.

Mr. M'LAREN said, that in the absence of the hon. Members for Glasgow, he wished to explain that this Vote was the result of a bargain entered into between the inhabitants of Glasgow and the Treasury. The inhabitants undertook to raise £120,000 if the Treasury contributed an equal sum. The amount raised in Glasgow considerably exceeded the sum originally fixed, and if the hon. Gentleman would look at a Return which he (Mr. M'Laren) obtained a few years ago, he would find that the proportion of the taxation paid by Scotland was more than any return which she got in this or in any other way out of the national Exchequer.

Vote *agreed to.*

(10.) £8,200, to complete the sum for the Industrial Museum, Edinburgh.

Mr. BERESFORD HOPE said, that this was another proof of the assistance given out of the Imperial funds to the public buildings of Scotland. He should like to know how much Edinburgh had subscribed as a rate in aid?

Mr. M'LAREN said, the Treasury laid it down as a condition that the street 25 feet wide, opposite the Museum, should be made 70 feet wide. That the local authorities had done at a cost of £40,000.

Vote *agreed to.*

(11.) £35,000, to complete the sum for Burlington House.

Lord ELCHO remarked that on a former occasion the right hon. Gentleman the Member for South Hampshire proposed that the National Gallery should be removed to Burlington House, and that the Royal Academy should be left in possession of the present National Gallery, on the understanding that they were to put a new front to it, and make it an ornament to the metropolis. His hon. Friend opposite was aware that this plan was defeated by a party vote.

Mr. CANDLISH believed the statement of the noble Lord was substantially true, but remarked that, generally speaking, matters of art or science were not made party questions.

Vote *agreed to.*

(12.) £128,889, to complete the sum for the Post Office and Inland Revenue, Buildings.

Mr. BERESFORD HOPE expressed a hope that the right hon. Gentleman would give some explanation of the delay which had occurred in completing the new Post Office buildings at St. Martin's-le-Grand?

Mr. Beresford Hope

Mr. MACFIE complained of the want of sufficient postal and telegraphic accommodation at Leith.

Mr. WHITWELL wished to know whether the Post Office proceeded on any definite rules in determining what towns should have new buildings? The accommodation at Kendal was very insufficient for the amount of business transacted.

Mr. RYLANDS said, there was not suitable post office accommodation at Warrington. Care ought to be taken that proper post office buildings were erected in all large boroughs.

Mr. AYRTON replied, that it could hardly be said that any definite rule existed in regard to the erection of new post office buildings. There was however, no favouritism, and the urgency of each individual case was taken into consideration. Generally speaking, it might be said that the Post Office authorities and the Board of Works did not build if they could possibly avoid doing so; and that they did not purchase premises if they could hire them at a reasonable rent. The contract for the great work of the new Post Office in St. Martin's-le-Grand was to have been completed on the 31st of December last; but great difficulty was experienced at the commencement of the work in procuring the granite required for the foundation of the building. There was, consequently, some delay in beginning the work, and this circumstance had prevented its being completed in the specified period. The building, he regretted to say, was not likely to be ready for occupation for some little time to come. He believed the delay could not have been avoided by the contractor, and therefore it was not deemed necessary to take any severe steps against him.

Lord ELCHO remarked that the requirements of Sunderland had been carefully considered in the present Estimate.

Mr. CANDLISH said, the expenditure at Sunderland arose from the Post Office having been ill-advised enough to buy an old shop, as also from the increase of population and the addition of telegraphic business.

Viscount BURY hoped the Berwick Post Office would be remembered next year.

Mr. M. CHAMBERS said, he thought a great deal too much money was spent upon post office buildings in different parts of the country. He noticed that they were asked to vote £5,000 for Colchester, £9,500 for Newcastle-on-Tyne, and £3,000 for Rochdale; and he wanted to know what course the Government adopted when it was proposed to build or enlarge a country post office? His impression was that, in most cases, the buildings might be erected for one-half the cost charged in the Estimates.

MR. AYRTON said, that the hon. and learned Gentleman had certainly been speaking from imagination, and assured him that every case of the kind was as carefully investigated as any case which he was called upon to plead. It must not be supposed that the expenditure originated with the inhabitants, for though requests were sometimes made to the Department, the reply always given was that they would be considered, meaning that they would not be considered as regarded local wishes, but would be considered in connection with the postal service. The surveyor of the Post Office reported on the requirements of each case, his report being considered by the Office of Works as well as by the Postmaster General, the surveyor of the former considering the matter in the light of economy of construction, and preparing the plans. Great care was taken that the exigencies of the Department were not exceeded, and these did not depend merely on the population, for a place might be an important centre of transmission and distribution, and yet have little local business. In cases where the largest expenditure was proposed, the building was for Inland Revenue as well as postal purposes, the two being combined when this could be done advantageously. The Surveyor of Works took care that the cost of these buildings was not excessive.

Vote *agreed to.*

(13.) £3,729, to complete the sum for the British Museum Buildings.

(14.) £31,805, to complete the sum for New Buildings for County Courts.

(15.) £25,896, to complete the sum for the Science and Art Department.

MR. RYLANDS inquired whether this Vote would complete the expenditure at present authorized upon the buildings at South Kensington?

MR. AYRTON stated that the cost of the buildings at South Kensington would be kept strictly within the original estimate of £195,000. He must, however, express his fear that when those buildings were completed, a further large expenditure would be required to render them sightly, they being very unsightly at present.

Vote *agreed to.*

(16.) £95,710, to complete the sum for Surveys of the United Kingdom, &c.

VISCOUNT BURY said, he had a Motion on the Paper that night to call attention to the present state of the Ordnance Survey; but with the House so thinly attended as it then was, he would not take the course he otherwise would have done, and he would therefore confine himself to asking for information. The course of the survey hitherto had not run very smoothly, it having been declared "no child of mine" by various Departments, and he must therefore congratulate the right hon. Gentleman the Chief Commissioner of Works on the prosperous state which the survey had attained now that it had been taken up by his Department, where it bade fair to have a less stormy career than had previously attended it. The old 1-inch map of Great Britain begun in 1801, and which was the only one which had been completed, was found on examination to be so utterly inaccurate that it was impossible to improve it. In 1861 a Select Committee was appointed on that subject, which sat for two long Sessions and to which 14 thick Blue Books, besides other documents, were referred. The Committee digested the information thus placed before them, and recommended that Great Britain and Ireland should be surveyed on a scale of 25 inches to the mile. Since then that survey on the 25-inch scale had been continued, and there were also a 6-inch plan and a 1-inch map to be prepared *pari passu* with it. He should now confine himself merely to asking two questions. First, whether, as the 25-inch survey descended from the North down into a part of Yorkshire, and as it also ascended from the South up as far as the Thames, it was proposed to continue it *pari passu* along with the 6-inch plan and the 1-inch map? It had been thought it would be better to tinker up the old 1-inch map: but that map, having been constructed with reference not to any one meridian but to three different meridians was, as he had intimated, stupendously inaccurate, and even if they were out hunting and wanted to find their way home it was very seldom they would find the road they wished to travel laid down on it as the right place. He therefore urged on the Government the absolute necessity—if they had not already decided on doing so—of proceeding with the 6-inch plan and the 1-inch map *pari passu* with the execution of the 25-inch survey. The Committee of 1861 recommended that a uniform sum yearly should be devoted to that work, and that it should be £90,000. They added, however, that the work would be much more rapidly done if £120,000 were voted. The Vote this year was over £125,000, and he was informed that at the present rate of progress the survey would be completed in nine or ten years on the three scales. He thought his right hon. Friend had exercised a wise discretion in bringing up the Vote to its present amount, and congratulated him upon the progress made in the survey. Great credit was also due to Sir Henry James for the admirable way in which the survey had been made; it was regarded throughout Europe as a model of scientific work. He should like to hear some account of the circumstances under which the survey was transferred from one Department of the State to another.

Mr. HERMON said, it was of no use to have the survey unless some use could be made of it. Great difficulty was experienced in obtaining these maps in the country, and he would suggest that through the Post Office sets of the maps should be placed on sale in the various localities.

Mr. WREN-HOSKYNS said, he very much regretted that when he recently brought this subject before the House, he had not carried his Motion to a division, for he had found throughout the country a great desire that the survey should proceed at a more rapid rate. Ireland had, perhaps, the most beautiful map in the world. It was so received at the Congress at Brussels, but while Ireland was done part on the 1-inch and part on the 6-inch scale, and Scotland had been done on the 25-inch scale, the survey in England was, as the noble Lord had said, to a large extent "stupendously inaccurate," and as to many of our counties we were in a state of Cimmerian darkness. It was time to claim justice to England. Ours was the only country in Europe, except Greece, which had not a cadastral map, by means of which its land transfer could be accomplished. By a small increase in the staff he believed the survey could be completed in five or six years; but as matters stood he doubted whether the noble Lord was justified in assuming that it would be completed in nine years. He had been told in this House that the work would still occupy 13 years.

Mr. STEVENSON said, he concurred with the hon. Member opposite (Mr. Hermon), that it was difficult to find an Ordnance map in any country district, and thought that if the Government engaged in the manufacture of maps, they should make the same arrangements which other map producers did to get rid of them, by allowing local stationers and others an adequate commission upon the sale.

Mr. WHALLEY supported the appeal which had been made for the utmost possible despatch in completing this work, which had up to the present time been executed in an admirable manner. It was impossible to proceed with sanitary works and numerous social reforms for the want of good reliable maps, and, therefore, no consideration could be urged superior to that of a speedy and economical completion of these maps.

Mr. WHITWELL said, he had found that even in the metropolis it was difficult to procure the Ordnance maps. The Local Government Board ought to press for the completion of this work, since without the maps it would be impossible for Local Boards to execute the sewerage and other works which the Public Health Bill would require them to carry out.

Lord ELCHO said, he regarded the delay in this matter as owing to the faulty action of the House of Commons. Those who were conversant with it would recollect that after the Government which had charge of it had collected the opinions of those who were most competent to advise, an appeal was made to the House on the absurd argument that the sheets, if joined together, would cover so many acres, and the House carried away by that speech decided to give up the cadastral survey. A Royal Commission was, however, moved for in the House of Lords, and that Commission decided in its favour. So that this House owed to the action of the other that which hon. Members were now anxious to have completed with all speed. A complaint had been made that England was behindhand in this matter, but the reason was, that she was beforehand when it was commenced. As regarded Scotland, there were now only three counties remaining to be finished on the largest scale, and as one of them was the county in which the capital was situate, a very strong feeling prevailed that the survey should be completed, and that desire was only reasonable.

MR. F. S. POWELL said, he wished to join his entreaties with those of hon. Members opposite in urging upon the Government the necessity of active and vigorous energy in this matter. It was a disgrace to them to be so far behind other countries in the completion of their surveys. There was no person, however, but must admit that as far as they had gone they had the most beautiful map in the world, and that a survey so well mapped out as that was, was really an addition to our national resources. It was well calculated to make our people well acquainted with the great power of this country and its wonderful facilities for mining and other enterprising operations. It appeared to him, however, to be highly necessary that our Local Board districts, our Poor Law Unions, and our numerous railways should be distinctly marked or laid down upon the maps. He concurred with the hon. Gentleman opposite (Mr. Wren-Hoskyns) as to the importance of this subject in connection with the transfer of land. He knew the value of these maps in Yorkshire, where the 6-inch survey was completed, and he was anxious that other counties should possess the same advantage.

MR. AYRTON said, in reply to his noble Friend (Viscount Bury), who asked how he had got charge of that particular business, he would say that he had undertaken it in conformity with the wish of the Government, and under the authority of an Act of Parliament which he had himself introduced. With respect to the other questions put to him, he should be sorry to re-open the question of the scale, which had been settled years ago. He thought that the best thing they could now do was to adhere to the survey upon the basis which had up to this time been followed. With regard to the time necessary to complete this great work—proceeding upon the fact that £1,400,000 was to be the whole cost—it would take 14 years from April, 1870, at the rate of £100,000 a-year that had hitherto been voted for the purpose, to have the entire work completed—or 12 years from the present time. The Estimate for the present year, however, was £127,000, but only £100,000 of this was for the actual survey, the balance representing special services undertaken for various other Departments. As to the scale—the wild, and uncultivated, and mountainous parts of the country would be on the 6-inch scale; and all the cultivated and better inhabited parts on the 25-inch scale of map. As to accelerating the survey, that no doubt might be done by adding a large number of men to the present staff of operators, which, of course, would demand a much larger grant every year. That was a question simply of finance. In reference to the sale of maps when published, that was a question of much difficulty. No one trader would undertake to supply the Ordnance maps on the condition of having in hand such a one as every purchaser required. At one time it was gravely considered whether the Post Office might not be made the means of selling and distributing those maps. But when it was recollected that the performance of the duty properly would entail a considerable amount of knowledge, it was felt that such a duty would be quite inconsistent with the system under which the Post Office clerks were appointed. The Government since then fell back upon another proposal—namely, that of having special agents for the purpose throughout the country. That, however, was a subject which required further consideration. If it could be adopted, it seemed to him to be the best mode of facilitating the sale and distribution of the maps throughout the country. There should, of course, be a central depôt established in order to carry out this proposal. When the hon. Gentleman opposite (Mr. F. S. Powell) spoke of having all the railways and the recent changes in the country corrected by these maps, he seemed not to be aware of the difficulties of making those corrections and the magnitude of the task which they would impose. It appeared to him (Mr. Ayrton) to be much better for them to bring the present enterprize to a conclusion before they embarked in any other. His noble Friend (Viscount Bury) asked whether they were going to reproduce a 1-inch map for the supersession of the existing map. In reply, he (Mr. Ayrton) would tell him that that was a serious undertaking, but it was under the attention of the Government. He had every wish to proceed with the survey as rapidly as possible, but it could only be accelerated in proportion to the amount of money voted towards the work from year to year.

LORD ELCHO said, he must still ask what course it was intended to take with regard to those counties in Scotland—Fifeshire, Mid Lothian, and East Lothian—which had been referred to, the survey of which, on the cadastral scale, had not yet been completed?

MR. AYRTON said, that all the counties which came within the description given would come within the survey on that scale, but he could not say when the work would be done. That must be left very much to the discretion of the director of the survey, who was the best judge of the matter. Those counties, however, which were mineral or commercial, would have a preference over purely agricultural ones.

LORD ELCHO said, he wished to have a more distinct answer. What the counties of Scotland wished to know was, when the proper time for surveying them would come? Were their surveys to be stopped until the whole of England had been surveyed?

VISCOUNT BURY said, he did not think his noble Friend had a right to raise a cry of injustice to Scotland, when the whole of the agricultural parts of Scotland had been surveyed on a 25 and 6-inch scale, but some of the counties of England had not been surveyed on any scale. It was a necessity for England to have at least a 1-inch map. The Committee over which he presided recommended a 25-inch scale, but their only reason for doing so was that it could be published on any scale that might be desired. If his right hon. Friend would not give England a 1-inch map, then the Vote of £100,000 for a survey this year, as well as the like expenditure for the last 10 or 15 years, would be perfectly useless.

MR. STEPHEN CAVE said, that all the parts of the new map should be published together as nearly at the same time as possible, or people would hesitate before buying it from not knowing which were the recent, and which the new portions. He suggested that it would be advantageous and economical to reinforce the sappers and miners now engaged in the survey by the necessary number of civilians competent to perform it.

COLONEL BARTTELOT urged the importance of expediting the publication of the survey. It was essential not only for private but for strategic purposes, scarcely a road being laid down correctly in the old survey.

MR. AYRTON said, he should be happy to answer any specific question which the noble Lord (Lord Elcho) would put to him, but he could not tell him the exact time when the survey of the Scottish counties he referred to would be taken in hand. To his noble Friend (Viscount Bury) he would say that until the Treasury had come to a decision as to reducing the 25-inch map to a 1-inch map, he could not say anything further on that point. As to employing civilians, upwards of 1,000 were already employed, the military force being comparatively small.

Vote *agreed to.*

(17.) Motion made, and Question proposed,

"That a sum, not exceeding £26,130, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for constructing certain Harbours, &c. under the Board of Trade."

MR. DAVIES moved to reduce the Vote by £700, the amount of the salary paid to a consulting engineer at Holyhead. There being an engineer employed on the works at £500, he contended it was unnecessary to have a consulting engineer.

Motion made, and Question proposed,

"That a sum, not exceeding £25,430, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for constructing certain Harbours, &c. under the Board of Trade."—(*Mr. Davies.*)

MR. WHITWELL asked for an explanation of the charge for Dover Harbour. The Vote required was £4,000, and the charges were stated at £2,200.

MR. BAXTER said, he was happy to be able to inform the Committee that the works at Holyhead were so far complete that the charge would disappear from the Estimates in a year or two. In fact, he expected that by that time the whole Vote would disappear. The charge for harbours, in fact, had been reduced from £67,000 to £35,000 by the abandonment of the Alderney works, a decision that had received the general approval of Parliament. With regard to Dover, a very large portion of the cost of maintenance and salaries was paid for by the railway companies. In the course of the year that expenditure would also be got rid of. The receipts at Dover were estimated at £1,000 per annum, and at Holyhead £1,500 per annum, and he believed those amounts would be found adequate for the maintenance of the two harbours.

MR. MUNTZ congratulated the Committee on the probability that these Votes would so soon disappear from the Estimates. The hon. Gentleman the Secretary to the Treasury had omitted to answer the question put to him relative to the consulting engineer at Holyhead, and unless the Committee divided upon the question, he was afraid they would find the charge in next year's Estimates.

MR. BAXTER reminded the Committee that the works at Holyhead were very important, and that they would be finished this year, so that the consulting engineer would disappear.

MR. CANDLISH recommended the withdrawal of the Amendment, after the satisfying statement of the Secretary to the Treasury. He was glad to observe in the Vote an item of £360 for maintaining a light on the Island of Alderney, and would congratulate the shipping interest on the fact of this Vote being the precursor of the intention of the nation to relieve the shipping interest of about one-third of a million they had annually to pay for the maintenance of lights around our coast.

MR. GOLDNEY wished to know whether the consulting engineer at Holyhead would be continued after the completion of the works? Dover harbour had been constructed in an efficient manner without the aid of a consulting engineer.

MR. BAXTER said, he would undertake that before next year the whole Vote should be revised, and he hoped it would not appear again, at all events, not in this form and to this extent.

LORD ELCHO said, it should not be forgotten that the hon. Member for Sunderland (Mr. Candlish), who had hailed with so much pleasure the Vote of £360 in the Estimates for the maintenance of a light at Alderney, and who looked upon it as the precursor of a charge of £360,000 being placed on the nation, was a great economist and a Member for a seaport town. It was, therefore, necessary that the Committee should be informed whether it was a permanent or a temporary charge.

COLONEL BARTTELOT asked for an explanation of the charge of £100 for St. Catherine, Jersey.

MR. BAXTER said, it was a charge for the maintenance of a light about which there was some dispute between the Treasury and the Board of Trade as to what fund it should be charged on. The light at Alderney had been left on the Estimate in consequence of the hurried manner in which the works there were closed.

MR. STEPHEN CAVE said, it would be as well that the Committee should be informed in what state Alderney harbour had been left, because he had been informed it was in a dangerous state, and that the danger was likely to be increased every year. Was the light wanted to warn shipping of danger, or was it placed there as an ordinary light to guide ships safely into the harbour?

MR. BAXTER said, the House had unanimously declined to vote the money which had been reported to be requisite, and the Government, therefore, did not press the Vote. The harbour was now, he believed, in a dangerous state; but it had never been otherwise, and in his opinion no money which could in reason be spent upon it would make it safe. He hoped no attempt would be made to reverse the decision of last year.

MR. DAVIES said, that under the circumstances he would not divide the Committee upon his Amendment.

MR. MUNTZ said, he felt convinced that unless the Committee divided the whole thing would be forgotten, and the sum would appear next year in the Estimates as usual.

MR. PEEL said, there was every reason to believe that before the close of the financial year these works would be completed, and that no further charge would have to be made on the Estimates for construction.

MR. GOLDNEY asked whether, when the works were completed, the consulting engineers would be retained?

MR. BAXTER: Certainly not.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(18.) £250, to complete the sum for Portland Harbour.

MR. GOLDNEY wished to know to what Department it belonged? He always understood it belonged to the Army.

MR. BAXTER said, it had been entirely handed over to the Navy.

Vote *agreed to.*

(19.) £6,250, to complete the sum for the Fire Brigade (Metropolis).

(20.) £26,433, to complete the sum for Rates for Government Property.

(21.) £2,250, to complete the sum for the Wellington Monument.

MR. J. GOLDSMID wanted to be informed when this memorial would be completed? He had been told that the certificates of Mr. Hunt and Captain Galton as to the progress of the work were not altogether satisfactory.

MR. BAXTER thought it would be finished within a reasonable time.

MR. HERMON suggested the postponement of the Vote till inquiries were made upon this point.

MR. J. GOLDSMID said, that seeing the Chancellor of the Exchequer in his place, he now hoped the right hon. Gentleman could give the House and the country some information on the subject.

THE CHANCELLOR OF THE EXCHEQUER replied that he could give no information beyond that which he had supplied to the House on a recent occasion.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow,* at Two of the clock;

Committee to sit again upon *Wednesday.*

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

LORDS' AMENDMENTS.

Lords' Amendments *further considered.*

Amendments, from Amendments in page 13, line 23, to Amendment in page 13, line 38, *agreed to.*

Several Amendments *disagreed to,* and two consequential Amendments made to the Bill.

Page 19, line 36, at end of Clause 33, add—

("and shall continue in force till the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine; and on the said day the Acts in the fourth, fifth, and sixth schedules shall be thereupon revived; provided that such revival shall not affect any act done, any rights acquired, any liability or penalty incurred, or any proceeding pending under this Act, but such proceeding shall be carried on as if this Act had continued in force"),

the next Amendment, being read a second time.

MR. W. E. FORSTER, in moving that the House disagree from the Lords' Amendment which would have the effect of making this Bill merely temporary in its character, said, that having considered the measure so carefully, having entered upon the matter with so much deliberation, and having discussed every provision of the Bill with so much minuteness, they could hardly condemn a future Parliament to repeat the same process over again.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(*Mr. William Edward Forster.*)

MR. BERESFORD HOPE said, he must appeal to the right hon. Gentleman at the head of the Government to retain the Amendment. The argument, from the unusual nature of the proposition, broke down. The right hon. Gentleman, at the instance of the hon. Member for Stroud (Mr. Dickinson), had recently given a temporary character to the Bishop's Resignation Continuance Act, thus affording a valuable precedent in this case. But a precedent still more direct was afforded by the Corrupt Practices Prevention Act, one in *pari materia* with the present measure, which would expire this year if not renewed. Those who, like the right hon. Gentleman the Member for Bradford, not merely admired, but passionately loved the Ballot, must wish for an opportunity of enabling those who now opposed the measure to be able hereafter publicly to avow their error, and to do penance in white sheets hereafter, if the Ballot hobby proved a success; while those, on the other hand, who opposed the Ballot, were equally anxious that an opportunity should be reserved, if need be, for coming back hereafter to the old English method of election. He should, therefore, divide the House upon the question.

SIR WILFRID LAWSON said, there was an old Conservative maxim about the danger of taking your machinery to pieces too often; and he had heard no argument to convince him that the machinery of the Ballot ought to be taken to pieces at the end of eight years. That Act would either do good or do harm. If it worked well, why should it be put an end to? If it did harm, it would be easy to introduce a Bill to repeal it without waiting for this period of eight years. They had had several interminable debates on the subject, and many of them would not be there probably in 1880. It would therefore be cruel to provide for their successors the trouble which they had themselves gone through. Last year the House of Lords threw out the Ballot Bill on the plea that they had not time to discuss it; but in so acting they did themselves injustice, for this year they were able to discuss the present Bill in about seven hours. Let not hon. Members be deluded about the matter; let them show respect for themselves, and give to the people the precious gift of freedom of representation. They might lose the Bill altogether; but it would not be long before another Bill, purged of the imperfections which the hon. Member for Whitehaven (Mr. C. Bentinck) had laboured so hard to introduce into the present Bill, would be passed. If the House of Lords prevented the passing of the Bill, he, for one, had confidence in the Government, and believed that they would stand to their guns and appeal to the country. Never since the Reform Bill of 1832 could the Government go to the country with so just and righteous a cause—in fact, the Prime Minister might say as Sir James Graham said in one of his speeches—"Let hon. Gentlemen, if they wish, go to the country with the cry of 'Up with the Lords and down with the Commons,' and I, for one, have no fear for the result."

MR. CAVENDISH BENTINCK said, he had just been charged with making the Ballot Bill what it was, and so far as it was a good Bill he admitted the charge. He would observe that the hon. Member (Sir Wilfrid Lawson) was one of those who wished to inflict pains and penalties and imprisonment on anyone who did not vote as they liked. Why, the hon. Member himself was an ultra-Liberal upon every question but the land question, and he had very good reason for that exception.

SIR WILFRID LAWSON: Will the hon. Gentleman mention what he means?

MR CAVENDISH BENTINCK: The land question.

SIR WILFRID LAWSON: I wish to know what vote of mine upon the land question he refers to?

MR. CAVENDISH BENTINCK: Upon the Ballot question he has always been in favour of pains and penalties.

SIR WILFRID LAWSON: I repeat my question.

MR. SPEAKER: The hon. Member for Whitehaven (Mr. C. Bentinck) appears to be addressing merely a portion of the House; he must address himself to the Chair.

MR. CAVENDISH BENTINCK, in continuation, said, that when he was interrupted, it was natural that he should reply to the interruption; but he would now address himself to the Chair to the question raised by his hon. Friend behind him (Mr. Beresford Hope). The experiment now proposed to be made was a novel one, and should be treated as such. What was the course of the Government upon the Education question in 1870? At the last moment the right hon. Gentleman at the head of the Government, who was a new convert to the principle of the Ballot, determined to have the Ballot introduced into that Bill not as a compulsory, but as a permissive Ballot. The right hon. Gentleman (Mr. W. E. Forster) complied with that determination, but how? He proposed that the Ballot should be not compulsory, but permissive. The right hon. Gentleman maintained that it would be quite sufficient that a man might vote in secret if he thought fit.

Mr. W. E. FORSTER said, he must correct the hon. Gentleman upon a question of fact; the Ballot upon the Education Bill was introduced for the metropolis, and it was not permissive, but compulsory.

Mr. CAVENDISH BENTINCK begged the right hon. Gentleman's pardon, and he would read his words if he had an opportunity, but he had not them by him at that moment. On the 14th and 21st July, 1870, the right hon. Gentleman argued against the hon. Baronet (Sir Charles Dilke) that it should not be a compulsory Ballot. ["No, no!"] He maintained that the right hon. Gentleman did do so; and the Ballot under the Education Act was at that moment a permissive Ballot. That being so, how could the right hon. Gentleman resist the Amendment of the Lords? Why should not the same principle be introduced into that Bill as was introduced into the Education Act by the right hon. Gentleman at the last moment? It was desirable that that Bill should not be permanent, as the right hon. Gentleman at the head of the Government changed his opinions so suddenly. Having done it, why should he not change it again? They could not tell what his opinion might be eight years or one year hence. No man was more changeable in his opinions than the present Prime Minister. Upon those grounds he should support the view of his hon. Friend (Mr. Beresford Hope).

Mr. GLADSTONE: Sir, the hon. Member who has just sat down must recollect that those who meet him in debate do not meet him on equal terms. He never makes any mistakes; he is not subject to any human infirmity; he knows what a man can deny, and what not; and when he asserts that my right hon. Friend cannot deny a certain statement, and when my right hon. Friend does deny it, the hon. Member continues with unabated confidence to assert that my right hon. Friend had not denied it. The hon. Member's means of acquiring knowledge are derived from higher sources than are available to us—sources of which we know nothing, and to which we have no access. We must approach him as infirm mortals, and any humble suggestions we make must be submitted to his infallible judgment. If he disapprove, we must submit to whatever chastisement he in the plenitude of his wisdom may think proper to inflict. The hon. Member says that the Education Ballot is permissive, and he is so positive of that, that I am disposed to believe that my right hon. Friend knows nothing of the matter, that he never read the Education Bill, that he had no concern in framing it, and that if he ever read it he must have read it backwards, or with the paper turned upside down. I make these reservations, for without them I should scarcely dare to comment on what the hon. Member has said. I will not speak of it according to my recollection. The hon. Member says that no one can tell what opinion I may hold next year, and that therefore my recollection of last year cannot be worth much. I am the mere being of to-day. I cannot tell what I may do in the future, and how can I know anything of the past? Still, I will say that the Education Ballot was compulsory, not permissive; and the reason it was made temporary was that we found the Ballot to prevail in the metropolis, and open voting in the country, and we objected to recognizing the arrangement either for open or for secret voting until we had settled the question of the Parliamentary Ballot. We did not wish to prejudge the great question of the Parliamentary Ballot. We meant to make the Parliamentary Ballot compulsory, and that that should become the model. The hon. Member for Cambridge University (Mr. Beresford Hope) is more amenable to reason and argument, for he has founded himself on the fact that I agreed, in deference to the representations of my hon. Friend behind me (Mr. Dickinson), that the Bishops Resignation Bill should be a temporary, not a permanent, measure. Why was that done? It was done on this very ground—that the details had never been submitted to the prolonged consideration of this House, and it was admitted that they might require to be further modified. Therefore it was made a temporary Act. Will my hon. Friend, of all men, be the man to say that the details of the Ballot Act have not been submitted to prolonged consideration? We spent half the Session of 1871 on the Ballot Bill. We have spent half the Session of 1872 on the Ballot Bill. The wisdom of "another place" has undone in minutes that which it took us months to create; and not unnaturally with reference to the extreme rapidity of its conversations—for I can hardly call them more—and of its votes, added—"We have really considered this matter so little that we think proper to make it a temporary Bill." But it is not really proper or becoming to ask this House under existing circumstances to admit that we have not given sufficient consideration to the measure. I want to know what is sufficient consideration for a Parliamentary Bill if this has not had sufficient consideration? All human actions are subject to conditions of time and space, and unless the time bestowed in the manipulation of this measure is likely to lead us to definite and positive conclusions, I do not know on what measure of difficulty and importance we are likely to arrive at any definite conclusions at all. My hon. Friend also referred to the Corrupt Practices Act. Does he think that a parallel case? That Act referred to a question which had never been presented to the public mind of this country at all. It was a question within the four walls of this House, and I never recollect a case of a single measure when, irrespective of party, the experienced men and the able men of this House were more equally divided than they were in regard to the Corrupt Practices Act. It was a question with reference to which we had no guidance from experience, from public opinion, or from the multitude of proceedings carried on in Parliament year after year with little intermission for a generation; and it was, therefore, no analogy to the case before us. It is therefore the duty of this House to vindicate the reality, the seriousness, the laboriousness of its proceedings with regard to this Bill. What is the meaning of enacting that a measure of this kind shall subsist for eight years? If my hon. Friend had made a proposal of the kind at the commencement of the debates on the Ballot Bill last year it might have been worth listening to. My hon. Friend would then have released us from the necessity of almost immeasurable labours, and the freedom we should thus have obtained might have been applied in maturing other measures of great importance to the country, which are now obliged to wait for a more convenient season. But that has not been the case. The House has spent weary months both this year and last year upon maturing this Bill with care and consideration in all its details, and the fact that in "another place" it has only been found necessary to spend a few hours in pulling to pieces that which we have done, really is and can be no argument why we should blot out from our recollections the nature and character of our own labours. I therefore trust that the House will agree with the Government and my right hon. Friend that we should disagree with this Amendment.

MR. SPENCER WALPOLE said, he thought as the whole question had been so elaborately treated by the House on many previous occasions, it would not be reasonable that there should be any serious discussion of it at this, the last stage of the proceedings. But there were one or two observations he wished to make on what had fallen from his right hon. Friend at the head of the Government. The right hon. Gentleman had spoken of the Ballot under the Education Act being compulsory, but it was not a Ballot with compulsory secrecy. The alteration suggested by the hon. Member for Carlisle would apply to any Act; but there were many alterations and Amendments which might be made in a measure which had not succeeded. His right hon. Friend said there was no analogy between this and the Corrupt Practices Act, which was made temporary. Seeing that the best Parliamentary authorities were divided upon that question, the Bill was quite reasonably made a temporary measure, and it was as clear as possible that that measure was upon all fours with this. We were avowedly making an experiment, which might answer or might fail, in the conduct of Parliamentary elections; and Parliamentary authorities were still divided on the question whether this was a desirable alteration or not. In short, all the circumstances which applied to the Election Petitions Act applied to this Bill; and the only question was, whether it was reasonable that, as we were trying an experiment, we should do it by a temporary Act. If we found the experiment succeed, there would be no long discussion in this House when it was necessary to renew the Act; but as it might fail, it was only reasonable that Parliament should have an opportunity of re-considering the matter when the experiment had been tried.

MR. OSBORNE MORGAN said, it would be competent for the House next

Session to repeal the Act if the Amendment were rejected; but, if it were accepted, the House would have tied its hands for eight years. If this were a bad Bill, why should they be saddled with it for eight years? If it were a good Bill, the limitation was not needed.

VISCOUNT SANDON said, that two false issues had been raised in the Ministerial speeches. Stress had been laid upon the short consideration given to the measure by the House of Lords; but it was important that the question should be decided in entire independence of a false issue of that kind. It was well known that an immense amount of time had been spent on the measure by the House of Commons, and the more discussion the House of Commons gave to a Bill, the more naturally would the Lords be able to come to a decision upon it in a short space of time. ["No, no!"] He quite understood the expression of disapprobation. The Prime Minister some time ago said that the Peers were so far removed from these matters that they looked down upon them, as it were, from a balloon; but as sensible men they all knew that the Peers had been carefully watching the discussions in this House on the subject, and it was a perfectly fair argument that the more matters were sifted in this House and discussed in the Press the less discussion would they require in the other House. The other false issue raised was that the opposition to this Bill rested on the alleged insufficiency of the discussions upon it in this House. He denied that entirely, and maintained that the opposition rested upon the fact that the matter had not been sufficiently discussed at the hustings, which was a perfectly different issue.

MR. NEWDEGATE: Sir, it would be hard—very unjust—if this House were to refuse to the House of Lords the *locus penitentiæ* which they have provided for themselves by assigning a limit to the duration of this Act. It is true, as has been said by the noble Lord the Member for Liverpool (Viscount Sandon), that this subject has been discussed very fully in the House of Commons; but when I heard the description which the right hon. Gentleman the Vice President of the Council of Education gave us of his pains of parturition, during the last and present Session, I felt perfectly confident that if he had been subjected to the same exertion in a third Session, he would have failed to reproduce and mature such a measure as this which we have now before us. I am confident, also, from the feebleness with which the debate on the other side has been conducted—if hon. Gentlemen opposite will forgive me—that the effect of the protracted discussions which have been carried on in this House upon this subject instead of adding to their confidence in the beneficent character of this measure has shaken the confidence of many who might have been confident before. But there is another reason for their hesitation. They begin to perceive that this measure is but the precursor, if it be made permanent, of other changes. I am confident, as was the late Lord Palmerston, that it is idle to expect that with secrecy of voting you will not stop short of household suffrage in the first instance and of manhood suffrage afterwards. There is no instance of any country having permanently adopted the Ballot without the franchise having been reduced to manhood suffrage. I challenge any hon. Member to cite an example to the contrary. Well, then, the House of Lords calculating that before the expiration of eight years there may be a House of Commons less headlong upon this subject than I am sorry to say the present House has been, have thought it prudent to provide for the termination of this Act, and thus to afford a future House of Commons the opportunity of reconsidering the revolution upon which you are now entering.

Question put.

The House *divided*:—Ayes 246; Noes 165: Majority 81.

MR. CAVENDISH BENTINCK, amid considerable interruption and cries of "Order!" said: I crave the indulgence of the House to make a personal explanation. In the remarks which I felt it my duty to address to the House a short time ago I founded my argument on a speech delivered by the right hon. Gentleman the Vice President of the Council on the 21st of July, 1870. ["Chair!"]

MR. SPEAKER: If the hon. Member proposes to make a personal explanation, no doubt he will receive the indulgence of the House.

MR. CAVENDISH BENTINCK: I wish merely to read a passage from the right hon. Gentleman's speech, as recorded in *Hansard*; but if the House does not think fit to hear it, I will not persevere. It consists only of a few lines, and it justifies the remarks I made. On the 21st of July, 1870, the right hon. Gentleman, speaking on the Elementary Education Bill, said—

> "He had, on behalf of the Education Department, to solve the very difficult question, as to what kind of Ballot ought ultimately to be adopted in reference to the election of Boards. There appeared to be two kinds of Ballot—in one the voter might have secrecy if he pleased; but in the other secret voting was compulsory, and it was because he understood his hon. Friend the Member for Chelsea (Sir Charles Dilke) and those who thought like him, to mean that secrecy in the election of Boards ought to be of the compulsory kind, that he felt it would not be desirable for the Government to be hampered with that condition."—[3 *Hansard*, cciii. 657.]

MR. W. E. FORSTER: I appeal to you, Mr. Speaker, and to the House, whether the explanation now made can be considered a personal one? Perhaps, I may be allowed in two or three words of really personal explanation to justify my statement. I think that what the hon. Member has just read completely justifies me. The statement he made a short time ago was that during the passing of the Education Act, I had advocated a permissive Ballot. But the speech from which he has read a portion in order to prove the correctness of his statement, shows that while engaged in the arduous task of carrying the Education Bill I rather demurred to having put upon me the difficulty of deciding what kind of Ballot should be the Ballot for the metropolis. But the House decided that that duty should be imposed on the Education Department, and we fulfilled it by a regulation enforcing Ballot for the metropolis. Therefore, there is nothing in what the hon. Member has stated which in the slightest degree justifies his previous statement.

Lords' Amendment *disagreed to.*

Several Amendments *agreed to*, and consequential Amendments made to the Bill.

In page 25, line 34,

MR. W. E. FORSTER moved to disagree to the Lords' Amendment to leave out the words, "and the declarations of inability to read," the object of the Motion being to require that illiterate voters shouid make a declaration of inability to read before a magistrate, and not merely before the returning officer. Statements had been made on the other side of the House as to the danger of admitting the illiterate class of voters to an optional Ballot, and in order to limit that danger as far as possible, it seemed very desirable that this provision for a declaration should be retained.

MR. GOLDNEY thought the provision for such a declaration was very objectionable. The magistrate before whom it was made had only to perform the official duty of receiving it, and would not subject the voter to any objection or questioning; and as there would be three days between the nomination and the polling, during which these declarations might be made, the election agents would have ample time to marshal together a number of such voters as would profess an inability to read or write, and thus practically secure for them a system of open voting which in all probability, among such a class of men, would lead to a great deal of bribery. He thought it would be a very unwise thing to disagree with the Lords' Amendment on this point.

MR. GATHORNE HARDY said, that the House had made it a point to lessen the distance which people had to go to the poll, but did nothing to lessen the difficulties in the way of the illiterate voter. If this provision for a declaration before a magistrate were insisted upon, it might entail a great deal of inconvenience and loss of time upon such of the illiterate voters as lived a long way from a magistrate, and who would have to go several miles in order to make their declaration. He thought it would be just as well to provide that the declaration should be made before the presiding officer, who would be just as well able to take it as a magistrate. It might be urged that the magistrate would make an examination into the voter's statement of his inability to read; but there was no provision of that sort in the Bill, and if the presiding officer could be trusted to show the illiterate voter how to fill up his paper, he could also be trusted to receive the declaration.

MR. GLADSTONE said, it was not a question of trusting the presiding officer, because it was impossible for anyone to ascertain whether the voter's statement was true or not; but what was material was, that they should be upon their guard lest the machinations of those engaged in conducting elections should multiply and extend to a class of persons who pretended an inability to read or write, and who were, therefore, compelled virtually to vote openly, under the old system, with all the facilities which it gave for intimidation. With regard to the distance the voter would have to travel to make his declaration before a magistrate, those cases would be very few indeed in which he would have to go several miles, and even if he had to do that, those who were connected with the conduct of elections would be able to give legitimate facilities for access to magistrates. If the voter went before a magistrate he would do a serious and deliberate act, and would consider well before making the declaration. On the other hand, if they were to accept his slip-shod verbal statement as he passed into the booth, it would be possible to thrust into this class a multitude of pretended illiterate voters, and so to maintain the exercise of undue influence.

Mr. HUNT said, he understood the right hon. Gentleman to mean that magistrates would attend at the polling-places to receive the declaration of illiterate voters. ["No, no!"] At any rate, he believed that under the provision of the Government partizan magistrates would attend at the polling-places to prevent votes being lost. Thus, magistrates would be led to engage more in these matters than they did at present, and he did not think that desirable. The provision would merely cause a great deal of unnecessary trouble. If the provision was intended to prevent electors from voting it would be better to say so at once, and introduce an educational test. It would be quite sufficient that this declaration should be made before the presiding officer.

Mr. GREENE also opposed the proposal of the Government as being ineffective.

Lords' Amendment *disagreed to.*

Page 24, lines 25 and 26, leave out ("produces such a declaration as hereinafter mentioned"), and insert ("declares.")

The next Amendment being read a second time;

Motion made, and Question, "That this House doth disagree with the Lords in the said Amendment," put, and *agreed to.*

Mr. Gladstone

Several Amendments *disagreed to,* and consequential Amendments made to the Bill.

Several Amendments *amended,* and *agreed to.*

Mr. CHARLEY said, he wished to be permitted to express a hope that the Lords would insist upon their Amendments. Perhaps the Lords would be urged to give way, on the ground that the Bill had come up to them twice, but this was no argument, since the Bill had been sent up on both occasions by the same House of Commons, and since the majority for the second reading had dwindled from 94 to 58.

Mr. W. E. FORSTER said, he had now to move—

> "That a Committee be appointed to draw up Reasons to be assigned to The Lords for disagreeing with the Amendments to which this House hath disagreed; the Committee to consist of himself, Mr. Gladstone, Mr. Bruce, Mr. Cardwell, the Attorney and Solicitor General, the Marquess of Hartington, the Lord Advocate, the Attorney General for Ireland, Mr. Stansfeld, Mr. Winterbotham, Mr. A. Peel, Mr. Glyn, and Mr. Adam."

He should have made the Motion without saying a word, had it not been for the remarks of the hon. Gentleman opposite, who had expressed a hope that the Lords would adhere to their Amendments. It struck him as hardly in accordance with the usual mode in which they conducted their deliberations, that that House should express a wish that the Lords should do one thing or another. But as the hon. Member had made that statement, he might be permitted to state that he had not the slightest doubt that the Lords, in the exercise of their constitutional duty, and with that patriotism which they had generally shown in regard to the public welfare, whatever had been their individual opinions, would consider two or three facts. They would remember that this was a Bill affecting the election of Members of that House by their constituencies; that that House had, by repeated and large majorities, declared their adhesion to the measure; that there was no doubt amongst the majority of the Members of that House professedly stated—and he believed there was no doubt amongst the minority of that House also—that the large majority of the constituencies of England were in favour of the measure; and that more time and deliberation had been spent upon the principle and details of that Bill than almost on any other measure that had ever been brought before that House. He had not the slightest doubt that these facts would be considered, and also this fact—that in deference to the opinion of the other House of Parliament, the majority of that House had made a concession, of the necessity of which they were not themselves convinced, simply in order that the measure should be passed into law, and that the constituencies of the country should have the opportunity of what the Government considered to be a real security for freedom of votes.

Motion *agreed to.*

Committee *appointed,* "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendments to which this House hath disagreed :" Mr. WILLIAM EDWARD FORSTER, Mr. GLADSTONE, Mr. Secretary BRUCE, Mr. Secretary CARDWELL, Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, The Marquess of HARTINGTON, The LORD ADVOCATE, Mr. ATTORNEY GENERAL for IRELAND, Mr. STANSFELD, Mr. WINTERBOTHAM, Mr. ARTHUR PEEL, Mr. GLYN, and Mr. ADAM :—To withdraw immediately ; Three to be the quorum.

METROPOLITAN TRAMWAYS PROVISIONAL ORDERS SUSPENSION BILL.

On Motion of Mr. ARTHUR PEEL, Bill to enable the Board of Trade to dispense with certain provisions of "The Tramways Act, 1870," in respect of certain Provisional Orders, *ordered* to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

Bill *presented,* and read the first time. [Bill 219.]

LOCAL TAXATION ACCOUNTS BILL.

On Motion of Mr. PELL, Bill to provide for the annual presentation to Parliament of an account of all sums received and expended by all Local Authorities raising or expending Rates in England and Wales, *ordered* to be brought in by Mr. PELL, Sir MASSEY LOPES, Mr. CLARE READ, and Mr. ROWLAND WINN.

Bill *presented,* and read the first time. [Bill 220.]

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Mulkear River Drainage District, *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. BAXTER.

Bill *presented,* and read the first time. [Bill 218.]

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, 2nd July, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Courts of Record * (185).

Second Reading—Inclosure Law Amendment * (169).

Select Committee—Church of England Fire Insurance * (102), *nominated.*

Third Reading—Bankruptcy (Ireland) Amendment * (175); Debtors (Ireland) * (175), and *passed.*

INCLOSURE LAW AMENDMENT BILL.

(*The Earl of Morley.*)

(NO. 169.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY, in moving that the Bill be now read the second time, said, the subject of the inclosure of commons was one which had long engaged the attention of the other House of Parliament. As far back as the end of the last century a Select Committee of the House of Commons was appointed to consider the question ; and it made certain recommendations. A Consolidating Act was passed in 1801, but no important changes were made till 1844, when there was another inquiry, and in 1845 an Inclosure Act was passed. That Act leaves the lords of the manor in precisely the same position as they had occupied before. They may still inclose under a Private Act ; or, if they can obtain the unanimous consent of their tenants, without any Act or Provisional Order ; and, further, they have under the almost obsolete Statute of Merton the power of approvement. In addition to these powers of inclosing the waste of manors, the Act of 1845 established a new method, by which inclosure would be much facilitated, or by which the expense would be much decreased. In the Report of the Committee of 1844 there was this statement—

> "It has been maintained that the increased value which the passing of a general Inclosure Act would confer on the property possessed by individuals in common lands renders it equitable for Parliament to make provision in such an Act for the benefit of the industrious poor and of the ratepayers, more especially as the inclosure of most common lands deprives some poor persons of advantages which they would otherwise enjoy, either by sufferance, by payment, or by rights which have been extinguished."

The operation of the Act of 1845 was considered by a Committee of the House of Commons in 1866, and in the Report of that Committee it was stated—

> "Parliament regards the granting of facilities for inclosure as a boon to the parties, and, consequently, that in the public interest any terms may be imposed, or that the privileges may be entirely withheld. The inhabitants of the neighbourhood of commons are regarded as having certain *primâ facie* right of exercise and recreation of commons."

The lords of the soil and the commoners were the only persons who had legal rights in respect of the commons; but custom from time immemorial had given persons living in the neighbourhood of commons privileges of which it would be impossible to deprive them without injustice—one of those privileges being that of roaming over the commons. In addition to this general privilege, the poor inhabitants had the right, or the prospect of obtaining rights of common by grants or uses, of which inclosures would absolutely deprive them. The Act of 1845 acknowledged these rights, and distinctly maintained that the public and poor should be compensated for them. Inclosures were regarded as beneficial to the country at large, as increasing largely its powers of production—incidentally, they were greatly to the advantage of the proprietors, and Parliament demanded certain conditions to be complied before the proprietors obtained the benefit of the inclosure. The compensation the existing law provides for exclusion of the public from the commons, over which they had been accustomed to roam or to resort for purposes of recreation, was a reservation of allotment and recreation ground, which was entirely discretionary with the Inclosure Commissioners. In order to show how exclusively the rights of the lords of manors and of the commoners had been considered, to the exclusion of those of the public or of the labouring poor in the neighbourhood of commons, he would refer to a few particulars. It appeared that from the year 1710 up to 1800 no fewer than 1,760 private Inclosure Acts were passed, and that 2,000 were passed in the course of the following 40 years. About 7,000,000 acres had been inclosed under those Acts. Lord Lincoln, in introducing the Act of 1845, asserted that in 19 cases out of 20 the rights of the labouring poor had been entirely neglected. The number of acres inclosed since 1845, when the Inclosure Commissioners were first appointed, was 540,358 acres, of which 370,848 were liable to have public allotments reserved. Out of this large extent only 1,600 acres had been reserved for recreation ground, and 2,113 for allotment—altogether not more than 1 per cent on the whole acreage. The truth was that that Act was greatly defective, in so far as it left the reservation of land for allotment or recreation ground perfectly optional with the Inclosure Commissioners. They were not compelled to make any such reservations, or they might confine them within the narrowest limits; and there was a general feeling in the House of Commons, and out of it, that they had been too narrow in the exercise of their discretion. The Assistant Commissioner, it is true, conducted the local inquiries; and as the poor were generally unrepresented before him, their interests were almost as a matter of course neglected. Indeed, the appropriation of any portion of the inclosed commons for the public purpose appeared to depend on the chance whether the incumbent of the parish or some other philanthropic gentleman took the matter up. He found no fault with the Inclosure Commissioners for this, since they had, in fact, no means of protecting the interest of the poor, nor had they any rule by which to guide themselves. So much dissatisfaction, however, was excited by the working of the Act that in 1867 the whole subject was investigated by a Select Committee of the House of Commons. They recommended that no more inclosures should take place until a new Inclosure Act had been passed; and, in conformity with that suggestion, all operations of the kind had been absolutely suspended for the last three years, the Home Secretary having refused to introduce any Bill confirming Provisional Orders for that purpose. It was, therefore, most desirable that some measure should without further delay receive the sanction of the Legislature. That no such measure had hitherto become law was not the fault of the Government. A Bill founded on the recommendations of the Committee of 1867 was introduced by the Government in 1870, and was then referred to another Select Committee. It was re-introduced in 1871; but, having again failed to pass, it now became his duty to submit it to their Lordships. The most important change which it would effect with regard to rural commons was that of taking away from the Inclosure Commissioners a certain amount of their discretion as to the reservation of allotment and recreation grounds, and imposing upon them a minimum of reservations for such purposes. In small commons, not exceeding 500 acres, the allotment for recreation grounds and field gardens was to be not less than one-tenth part of the whole; but, where the extent of the whole was more than 500 acres, the Commissioners were to be empowered to make such allotment as they might think fit, having regard to the special circumstances of the neighbourhood, and being controlled by a provision in the Act that no such allotment should be more than one-tenth of the common, or of less extent than 50 acres. The Bill contained clauses which provided for the regulation of recreation grounds, and for the letting of field gardens to poor inhabitants. In respect of commonable lands, used by the inhabitants of the neighbourhood for the purpose of recreation at any time of the year, there was a provision that in case such commonable land was proposed to be inclosed, the Commissioners should, in their Provisional Order relating to such land, specify, as one of the terms and conditions of the inclosure thereof, the appropriation, free of any charge, of an allotment for a recreation ground. An allotment under the provisions of this section was to bear the same proportion in extent to the allotment which would have been made out of the commonable land proposed to be inclosed, if such land had been common, as the portion of the year during which the inhabitants used such land bore to the whole year. The Commissioners were authorized to specify in their Provisional Order, that one of the conditions of the inclosure was the appropriation, in addition to the recreation ground, of paths, or rides, or drives, for the exercise or recreation of the inhabitants of the neighbourhood. The Bill provided further for the conversion of common or commonable land into "regulated pasture," and protected the lands so converted against intrusion during a reasonable time. So much for the rural commons. The next part of the Bill related to suburban commons. It defined a suburban common as land subject to be inclosed under the General Inclosure Acts, and situate in the suburbs of any town—the distance from a town which constituted a suburban common depending upon the number of inhabitants in the town. To these the Bill would extend the provisions of the Metropolitan Commons Act, under which commons within the metropolitan district were excluded from the operation of the General Inclosure Acts. Such commons could not now be inclosed except by private Act of Parliament. The local authorities of any suburban or metropolitan common were authorized to buy up out of the local rates any estate or interest affecting such common. Such would be the position of every common within a certain distance of a town if this Bill passed. In fact, so fast was our population increasing that, although it might be desirable to inclose rural commons with a view to increase the agricultural produce of the country, it was not expedient to encourage the inclosure of those which in the neighbourhood of towns and cities were so materially conducive to the health and pleasure of their inhabitants.

Moved, "That the Bill be now read 2^{a}."—(*The Earl of Morley.*)

THE EARL OF POWIS said, the main object of the Bill appeared to be to enable the Commissioners to take from the lords of the soil and the commoners a larger portion of the common than they now could and appropriate it to recreation grounds. It was very desirable that a Bill settling the question should be passed, because for three years no inclosure had been permitted to take place—not because the Bills that had been introduced on the subject by the Home Office had been rejected, but because the Government had failed to prosecute them. He hoped as much time would be given before the second reading of this measure was taken as would enable those most interested to well consider the details, and see how far it was likely to interfere with the working of the existing law. He did not object to the quantity of ground to be taken for recreation and exercise grounds, but he complained that the expense was to be borne not by those who were mostly interested, but out of the pockets of the commoners whose lands were to be inclosed. It was, in fact, taxing the country for the benefit of the towns. The noble Earl (the Earl of Morley) appeared to have borrowed a portion of the machinery of the Irish Land Act for the new tribunal it was proposed to establish. By the present law the rights of commoners were proved before Assistant Commissioners, under the supervision of the Inclosure Commissioners; but in addition to that, it was proposed to give the conflicting jurisdiction to the County Court Judges. Another useless piece of expenditure was to be placed upon the unfortunate commoners by compelling that an additional copy of the award should be lodged at their cost with the Commissioners of Public Works, together with a copy of the Ordnance map, as *primâ facie* evidence of the quantity taken.

The Duke of RICHMOND said, he quite concurred with his noble Friend who had just spoken that this Bill contained provisions of an extremely large and wide character, which would have to be very minutely looked into. He doubted whether so great a change in the law as that shadowed forth by the Bill could be satisfactorily carried out except by means of a Select Committee. It appeared to him that it was a great interference between the rights of the existing lords of manors and commoners for the purpose of conferring the property belonging to certain individuals upon third parties, who had no legal status or right to such property whatever. They had no legal right whatever in those commons beyond walking over them or using them as recreation grounds. Now, according to the provisions of the Bill as he read them, no common could be inclosed without a large portion of it being taken away and appropriated to the benefit of persons who had at present no claim to its special uses. It was therefore very essential that their Lordships should look very closely into the mode in which this appropriation was proposed to be effected. Some of the provisions of the Bill were of so arbitrary a character that they required to be very closely looked into. One great objection to the Bill was that it was compulsory, and that the Inclosure Commissioners would have a right to take from a proprietor or lord of the manor his property whether he liked it or not. Further, before proceeding with the details of the Bill their Lordships ought to be put in possession of the Reports of the Committees of the other House to which the noble Earl had referred.

Earl FORTESCUE concurred with the noble Duke (the Duke of Richmond) in thinking that the Bill required very careful consideration. It proposed to give very large powers to the Inclosure Commissioners. He wished these Commissioners enjoyed more of the public confidence than they did. It could not be said that they had shown any indifference to the interests of attorneys and surveyors; since the appointment of Mr. Darby to be Chief Commissioner, his fear that his professional tendencies would lead to a multiplication of reports and surveys had been fully verified. In the different parts of the country where he had property (North Devon) frequent complaints had been made of the unnecessary expenses imposed by what were considered to be the superfluous precautions of the Inclosure Commissioners against possible wrong or inaccuracy, however improbable. The result had been greatly to discourage exchanges of land—one of the chief objects of the appointment of the Commissioners. Within his own experience he could state that having to exchange little more than an acre with another person it had cost £22 as the expenses in the locality itself, in consequence of the additional particulars required by the Commissioners, which was raised to £28 by the bill of the Commissioners' costs. Since that time he had carefully avoided resorting to the Commissioners when he desired to effect an exchange or inclosure. His objection to this system of procedure on their part was that it practically neutralized the object of the Legislature, which was to cheapen and simplify the inclosure of commons and the exchange of lands between proprietors for the public benefit. He saw no provision against those defects in the present measure, and he hoped it would be submitted to a careful and searching consideration in Committee.

The Duke of RICHMOND challenged the noble Earl to prove that Mr. Darby had put parties to expense in an improper manner. No magistrate or country gentleman in Sussex was more highly respected, and his services as

Chief Commissioner had been most valuable.

EARL FORTESCUE disclaimed any imputation on Mr. Darby's motives. He only feared that his natural professional tendency to require a mass of detailed information would, as it had done already, discourage inclosures and exchanges.

EARL DE LA WARR wished that more concessions had been made to the labouring poor. He hoped to be instrumental soon in completing a large inclosure of 500 or 600 acres of waste land. As to field gardens, he thought the Bill should contain a provision by which the poor man should be able to obtain a field garden at a rent of not more than 5*s*. a rood. If that were not done those gardens and inclosures would be placed beyond the reach of the labouring man.

LORD REDESDALE said, that under this Bill land might be taken from the commoners, who had some rights in it, and given to "the inhabitants of the neighbourhood," who had no rights at all—that seemed to him something like confiscation. Then the Bill provided the allotment wardens might let the allotment to "poor inhabitants of the neighbourhood," in plots not exceeding one quarter of an acre each — at rents not exceeding the value of the land for farming purposes. He objected that land compulsorily taken from the commoners for recreation ground, should be let to individuals for several occupancy. He objected to the power of taking one-tenth of the common for recreation purposes. The lord of the manor usually received only one 1-16th, and surely the public were not entitled to double that proportion. Although there might be a great deal in this Bill which was good—at the same time there were many parts in it which required the most careful consideration.

THE EARL OF KIMBERLEY said, he should have thought it his duty to have defended Mr. Darby against the charges which had been brought against him by the noble Earl opposite (Earl Fortescue), had not the matter already been touched on by the noble Duke. There was no more faithful public servant than Mr. Darby, and he regretted the attack that had been made upon him by his noble Friend. With regard to the Bill he denied that there was anything like confiscation in it, or that it at all attacked the rights of property. The fundamental principle of the Bill was simply this—to confer the right of inclosure where all parties were agreed. It left the rights of the lords of the manors and of the commoners, where they all agreed to inclose, exactly as they stood at present, and it merely proposed to deal with those cases in which the lords and the commoners were unable to agree upon the terms of inclosure. The question was one of some urgency, because the present state of affairs was this — the inclosures were stopped because the House of Commons was of the opinion that under the Act of 1845 inclosures took place on insufficient conditions, and therefore the House refused to pass any Inclosure Bill until those conditions were amended. So that unless they were prepared to accept new conditions, no more inclosures could be made. In his view, Parliament had full right to dictate upon what terms commons should be inclosed, and he thought the conditions laid down in this measure as those upon which alone inclosures of open spaces should be permitted were fair and reasonable and consistent with the interests of the public at large. Well, then, were the conditions proposed by this Bill unreasonable ones? He thought they were not. It was not unreasonable that any person in future seeking to obtain an Inclosure Act should set apart not less than one-tenth of the land to be inclosed for the use of the poor. That seemed to him to be a just and proper proposal. He did not see anything unreasonable in the proposition that poor people of the neighbourhood should be allowed to rent small portions at fair rents, say from 5*s*. to 10*s*. a rood; while it was proposed that, as a general rule, open spaces in the neighbourhood of large towns should be preserved, subject to the rights of the lords and commoners of the manors. He did not think that the Bill as it stood would enable tenants for life to deprive the reversioners of their rights over the inclosed lands, but if it had that operation, it might easily be amended in Committee. People looked to that House to take a fair and just view of the interests of the large labouring population, and he maintained that this measure provided for the interests of both the rural and the urban poorer classes. He trusted the noble Duke opposite would not insist upon the measure being sent before a Select Committee, seeing that it contained no provisions of such a character as would preclude them being dealt with by their Lordships in Committee, or which would prevent the Bill being passed into law this Session.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Thursday* the 11*th instant.*

LOCAL COURTS OF RECORD BILL [H.L.]

A Bill to amend the law relating to Borough and other Local Courts of Record—Was *presented* by The Lord Redesdale; read 1ª. (No. 185.)

House adjourned at Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 2nd July, 1872.

MINUTES.] — New Member Sworn — John Farley Leith, esquire, *for* Aberdeen City.

Public Bills—*Resolution in Committee—Ordered—First Reading*—Military Forces Localisation [Expenses] * [222].

Committee—Mines (Coal) Regulation (*re-comm.*) [150]—R.P.; Municipal Officers Superannuation (*re-comm.*) * [154]—R.P.

Considered as amended—Wildfowl Protection * [205], *discharged,* and *re-committed* to a Select Committee.

The House met at Two of the clock.

ARMY—AUTUMN MILITARY MANŒUVRES—VOLUNTEERS.—QUESTION.

Colonel C. LINDSAY asked the Secretary of State for War, Whether a Volunteer who goes into Camp with his Company or Battalion for the Autumn Manœuvres will be allowed to be relieved by one of his comrades after the first period is concluded, provided that he does not leave the Camp without permission, or until he is personally relieved?

Mr. CARDWELL, in reply, said that the rule with regard to the first period had been laid down on the recommendation of His Royal Highness the Field-Marshal Commanding-in-Chief to insure the success of the Manœuvres, and he could not enter into any engagement to make a wholesale exception to the rule.

MINES (COAL) REGULATION (*re-committed*) BILL.—COMMITTEE.—[Bill 150].

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

[*Progress 27th June.*]

Bill *considered* in Committee.

(In the Committee.)

Inspection.

Clauses 40 and 41 *agreed to.*

Clause 42 (Powers of inspectors).

On Question? "That the Clause stand part of the Bill,"

Mr. SCLATER-BOOTH asked to what extent it was intended to appoint fresh Inspectors? There was already a charge of from £12,000 to £13,000 a-year on the public for Inspectors of coal mines. The probability was that the public would have to pay an enhanced price for coals under the Bill, and would also have to pay for new Inspectors, and this would add very much to the cost of coal for the consumer. What he wanted to know was, whether the Secretary of State expected that he should have to lay an additional heavy charge on the public under the Bill, or would he be able so to utilize the machinery already at his disposal as to avoid doing so? He hoped the right hon. Gentleman would assure the Committee that anything in the shape of fees which could be raised to help to defray the expense of the Bill would be levied.

Mr. BRUCE said, that no doubt the application of this Bill to new mines must, if the present scale of inspection be kept up, lead to an increase of Inspectors. But that was unavoidable. Whether the charge should be thrown on the public or on the owners of mines was a question which need not be discussed on that occasion. Until the Bill had received the sanction of Parliament, and the Government was aware what might be required, he could not give any information as to the appointment of new Inspectors. Since 1855, when the number of Inspectors was increased from 6 to 12, there had been a great increase in the production of coal. The number of persons employed in and about collieries was, in 1855, as estimated by the Inspectors, 242,719; according to the Census, in 1861, 282,474; and in 1871, as estimated by the Inspctors, 350,849. The number of tons of coal raised in Great Britain was, in

1855, 64,000,000; in 1860, 80,000,000; in 1870, 110,000,000. So that the increase in the number of persons employed in 1871, as compared with 1855, was 44·5 per cent, and the increase in the same time of tons of coal raised 71·7 per cent. The number of new mines to be brought under inspection by the Bills of 1872 would be—Coal (Ireland, where the mines were generally small), 73; coal-shale (Scotland), 49; iron-stone and clay, 615; iron ore, 183; lead and copper, 907; rock salt, 22; making a total of 1,849. These would employ—exclusive of Ireland and the Isle of Man—92,565 persons. Of these, between 100 and 200 would be subject to inspection under the Mines Bill, the remainder under the Metalliferous Mines Bill. The collieries under inspection were 3,162, giving an average of 263 for each Inspector. It would be necessary to appoint two or three Inspectors to deal with the metalliferous mines. It might, perhaps, be desirable to create another district in which to have an additional Inspector; but the provision which appeared to him best was to supply each Inspector with a well-trained assistant.

MR. A. EGERTON thought inspection was rather an Imperial question than one which concerned colliery owners; and, if so, the expenses should be paid not by them, but by the State.

MR. LANCASTER was sorry to hear from the Home Secretary that he had no scheme for the better inspection of coal mines. He had hoped that an improved system of inspection would have formed part of the Bill; but it contained no provision either for an increase in the number of Inspectors, or for an improved mode of inspection. He agreed with the hon. Member for South-east Lancashire (Mr. A. Egerton) that inspection was a national object, and ought to be paid for by national funds.

MR. WHALLEY feared that under this clause, it would be in the power of any Inspector, unless controlled by instructions from the Home Office, to put a stop to the working of a great proportion of the mines of this country. The present system of inspection had not tended to prevent accidents, and the old law had been far more efficient—that under which the jury had the power of levying a deodand, so as to control the cupidity of mine-owners, and the unwise economy which was usually the cause of accidents. A controlling influence of this sort was better than anything which could be laid down in Acts of Parliament.

MR. LIDDELL, though he did not favour over-inspection, was surprised to hear the hon. Member for Wigan (Mr. Lancaster) complain that the Bill contained no provision for the improved inspection of coal mines. There were, in fact, two important provisions having that object, and one of them proposed that any two workmen should be allowed to apply for an inspection of a mine, and should satisfy themselves, with any workmen they represented, as to its condition. He hoped the Committee would not ride its hobby of inspection too hard, for the result would certainty be to take responsibility from the shoulders of the coal-owners.

MR. B. SAMUELSON thought that in the districts where accidents most frequently happened, all the parties concerned—managers, mine agents, miners, and all—would be found to be too deeply indoctrinated with the existing practices to be likely to give such information to the Inspectors as would be of much utility to them. What he desired to see was a system of real inspection, so that at proper intervals there should be a *boná fide* examination of every mine in the kingdom. To do this, as suggested by the miners, once every three, or even every six months, was impossible; but there was no good reason why it should not be done at such times as the Secretary of State might direct. At present it was only after, and not before, an accident that the Inspector's duties came into play, so that when the explosion took place there was no competent independent evidence as to the condition of the mine at the time. He did not see that a system of thorough inspection would be difficult to establish. The mines in many districts—for instance, in the West Riding of Yorkshire—were very shallow, and five or six of them might be inspected in the course of one day. The number of mines actually in operation was also greatly overrated in some of the Inspectors' reports. Until within the last year or two, the list of mines returned to the keeper of mining records by the mine proprietors of South Staffordshire included a very large number which had not been worked for six or seven years. There would never be a real security for the prevention of the deplorable catastrophes that now occurred, until some such census of the condition of mines as that which he had suggested should be regularly taken. At present, he believed that matters would not be much worse if the existing system of what was called inspection was altogether stopped. Last year the men demanded inspection at short intervals; but the Amendment to this effect had disappeared from the Notice Paper, and the substitute provided would be futile—so much so, that he felt disposed to object to the Vote for inspection when it was brought forward.

Mr. FOTHERGILL thought that, among the many faults of this very faulty Bill, the want of an improved system of inspection was the most flagrant. He had not persisted in his Amendment respecting the appointment of sub-Inspectors, because it had met with such little support in this House. The principle of the Amendment he should have wished to propose, if there had been any chance of carrying it, was that sub-Inspectors should have been appointed to assist the Inspector in the way that the colonel of a regiment was assisted by subordinate officers; but the Government objected to the principle of efficient inspection for a reason he could well understand, which was, that it would throw responsibility upon the Government, and in particular upon the Home Secretary. The term Inspector was improperly used, for the Inspectors were really reporters, who inspected mines after and not before any unusual occurrence. The number of Inspectors was not sufficient for adequate inspection; the only way in which that could be secured was by appointing sub-Inspectors and throwing some responsibility upon the Government. He hoped that, so long as the present system was continued, the expense of it would be thrown on the mining community, because in no other way was it likely that their attention would be called to the improprieties and deficiencies of it.

Mr. BRUCE said, no doubt the hon. Member was one of those who wished the Bill at the bottom of the sea, and who thought interference on the part of the Government not only unnecessary, but mischievous. The hon. Member ought to have declared his opinion on the second reading, and then the Government and the House would have known who were the opponents of the Bill. If the hon. Member had moved the Amendment he had referred to, it could have been disposed of; but, as it was, he had shown conclusively, while putting it forward in deference to others, that it was impracticable. Indeed, he was surprised to see it on the Paper in the name of the hon. Member, who must have put it there against his own wishes for the gratification of others. The Government was not prepared to grant an annual or other periodical inspection of mines with a report on their condition. No good, but rather the worse would result from such a plan. The number of Inspectors would have to be enormously increased at a very considerable expense; for only men of ability, in whom the public could have confidence, could be employed, and their remuneration must be high. Moreover, the result of their appointment would only be this—that the responsibility which ought to rest on the owners of the mines would be shifted on to the shoulders of the Government, which would be most objectionable. Inspectors were never appointed upon these principles. He did not at all accept the description given of the position and duties of Inspectors. They not only inspected and reported when accidents happened; they also received and acted upon complaints, so that, even when accidents had not occurred, prosecutions were often instituted with the view of preventing them. It was a fair question whether or not inspection might be carried further in this direction and additional Inspectors appointed, so as to give individual Inspectors more time to visit mines; but that was a question of detail for the Government, who had power to do what was necessary; of course, with the authority of the House. There was no ground for the apprehension of the hon. Member for Peterborough (Mr. Whalley), that the provision for inspection by the workmen would interfere with or stop the working of a mine; indeed, such inspection had been in operation in some mines for many years, and he had never heard any complaint of it.

Lord ELCHO said, those who sought to throw responsibility upon the Government must be anxious to relieve themselves of such responsibility. The question of inspection interested the mining population more than any other point in the Bill. His own first thoughts had been in favour of a regular inspection of every mine in the kingdom; but when he came to look into the matter, and when he remembered that in some mines there were 60 or 70 miles of workings, and that some Inspectors had as many as 400, 500, and even 600 mines under their charge, he became convinced that it would be impracticable to establish such an army of Inspectors as would be required if every mine was to be examined. It seemed to him that the only plan to meet the difficulty was that which had been suggested by his hon. Friend near him — namely, that there should be a form of schedule—similar to the one attached to the Bill—to be filled up daily by the person responsible for the working of the mine. At the Miners' Conference the opinion of the majority was in favour of that plan being tried.

MR. STAVELEY HILL said, that it would be very undesirable to take away from the owners of mines the responsibility that properly belonged to them of taking all possible precautions against accidents. He could assure the Home Secretary that his sole object in proposing Amendments was to assist the Government in passing a Bill which would be a protection to both the miners and the mine owners.

Clause *agreed to.*

Clauses 43 and 44 *agreed to.*

Clause 45 (Report of inspector).

MR. STAVELEY HILL moved, in line 10, to insert—"But no such report shall be published pending any judicial inquiry." It was a serious inconvenience to both sides when such Reports preceded the investigation of a matter which had not been adjudicated upon.

MR. BOUVERIE would remind his hon. and learned Friend that the judicial inquiry might take place months or even years after the accident, and he could only accomplish his object by prohibiting the publication of such Reports altogether.

MR. RODEN observed that this subject had been discussed by those who thoroughly understood it, and who had come to an unanimous decision upon it. He therefore hoped the Amendment of his hon. and learned Friend would be agreed to.

MR. STAVELEY HILL said, he would have no objection to alter the words of his Amendment to "published pending the inquiry."

MR. BOUVERIE could not admit that because parties who were interested had agreed to certain amendments or compromises, the House of Commons was debarred from considering the matter. It might turn out, when the question came to be examined, that all the facts had not been taken into consideration.

MR. RODEN repeated that the Amendment had been carefully considered and agreed to by the representatives of the owners of mines; but that, he admitted, did not bind the House; although he could not help thinking it ought to have considerable weight with them.

MR. BRUCE was extremely glad his right hon. Friend (Mr. Bouverie) had again adverted to this subject, for he must say a most improper use had been made of these meetings of parties representing mine owners and miners. There had been a sort of give-and-take system adopted, which he would undertake to demonstrate. Things of great importance to the workers in mines had been given up by them, and matters of value had been in turn given up by the mine owners, and the consequence had been that provisions of great importance had been mutually agreed to be sacrificed. It was wholly unprecedented that such agreements should be quoted in that House, in order to influence their opinions. He did not regard this Amendment as one of very great importance, although its effect might be inconveniently to postpone the publication of the Inspector's Report.

COLONEL WILSON-PATTEN thought if the right hon. Gentleman the Home Secretary lived in a coal district, surrounded by mine owners and mine workers, he would be very glad to find any objects in which both parties could agree. He did not say they should finally be guided by such agreements; but it was too much to deprecate them or refuse to be at all influenced by them.

MR. BRUCE said, he had not the slightest objection to such discussions and agreements, but they ought not to be used to influence the decisions of the Committee. There had been combined action the other day between the mine owners and the workers in mines, the effect of which, as expressed in the hon. and learned Gentleman's Amendment, was to reduce an important clause to a nullity, and to deprive young persons employed in mines of the protection which it was most desirable to extend to them.

Viscount GALWAY thought these agreements between parties were a great advantage, and tended very much to smooth the progress of a measure. If the right hon. Gentleman the Home Secretary had done more to consult the feelings of the licensed victuallers with reference to the Bill he brought forward last year, it would no doubt have facilitated matters very much with regard to that measure.

Lord ELCHO said, he was rather surprised at first to hear the right hon. Gentleman the Home Secretary denounce so vigorously the conferences which had been held on this subject; but his second speech in great measure explained the first. He obviously referred to the Amendment by which the word "knowingly" had been introduced; by which the right hon. Gentleman had sustained a great defeat; and, therefore, he naturally felt a little sore. Why should the right hon. Gentleman speak of these conferences with so much indignation? Had he not sent two of his Inspectors to them?

Mr. BRUCE when asked had allowed them to attend, but only on condition that he was not to be in any way bound by what should take place in their presence.

Lord ELCHO: Precisely. Seeing the difficulty of carrying such a Bill, the right hon. Gentleman thought it not unwise to allow the Inspectors to be present as *amici curiæ.* The right hon. Gentleman talked of giving and taking; there was nothing of the kind. The masters gave up nothing they ought not to have given up, and the representatives of the miners had conceded nothing they ought not to have conceded. And then as to the result—had not the Amendments proposed to be made in the Bill been handed to the right hon. Gentleman *en bloc,* and did he not undertake to consider them, if not to put them into the Bill? If the right hon. Gentleman had adopted a few more of the agreements, he would not have had occasion to speak under so much excitement. He had had the honour of being chairman of the conference, which sat five days. It consisted of practical men, who had a common interest in the subject. They had discussed the question in all its bearings, and all he would say for their Amendments was that, coming from such a quarter, there was a *primâ facie* case made out in their favour. If the difficulties had not been got over and smoothed down at that conference, the right hon. Gentleman might have found it not such an easy task to pass a Bill of this kind.

Mr. GATHORNE HARDY regretted the introduction of any imputation of motives, and still more so that under a clause which had no connection with that dealt with the other day the right hon. Gentleman had dragged in the question respecting the word "knowingly." The right hon. Gentleman himself had put in the word "knowingly" in Clause 16. But there would be a full opportunity of discussing the matter when the right hon. Gentleman brought up the Amendments, and to put that part of the Bill on the same footing as the Factory Acts.

Mr. B. SAMUELSON proposed to introduce, in page 21, line 10, after the word "public," the words "at such time and."

Mr. GOLDNEY said, that if an Inspector were to make a Report, and no one was to see it pending a judicial inquiry, its value to the public would be gone when they did get it. It would be a different thing if this were a matter of agreement between masters and men; but the object of the Bill was to prevent loss of life, and to provide that due care should be taken for that purpose, whether the men liked it or not; it was to counteract the dangers that resulted from the over-anxiety of the masters to get coal and the recklessness of the men in the desire to increase their wages. If an Inspector made a Report it ought to be laid before Parliament and made public. The Home Secretary seemed to be endeavouring to hold his own gallantly, and standing with his back to the wall in the interest of the outside public, and he ought to be supported in securing for the public the advantages that were sought by this Bill.

Mr. LIDDELL protested against the view which seemed to be entertained in many quarters, that because certain things were required to be done in factories by the Factory Acts, therefore they should be done in mines, and he proceeded to point out the differences between a factory and a mine, the chief one being that a factory was carried on in the light of day or of gas, and that in the darkness of a mine, with its miles of workings and small detached parties of miners, anything like the supervision of a factory was impossible.

MR. F. S. POWELL suggested the omission of a few words from the clause, so as to leave the Report of an Inspector to be dealt with by the Home Secretary at his discretion.

MR. STAVELEY HILL said, he would accept the suggestion of the Home Secretary, withdraw the Proviso, and insert the words proposed by the hon. Member for Banbury (Mr. B. Samuelson).

Amendment, by leave, *withdrawn.*

Amendment (*Mr. B. Samuelson*) *agreed to.*

Clause, as amended, *agreed to.*

Arbitration.

Clause 46 (Provisions as to arbitrations).

MR. STAVELEY HILL said, there was no necessity to invest the Secretary of State with arbitrary discretion as to the amount to be paid to an arbitrator, because a well-known scale of fees was already in operation. He moved in page 22, leave out lines 40, 41, and 42, to "with," inclusive.

MR. BRUCE said, the words were taken from a former Act, and had worked satisfactorily.

Amendment *negatived.*

MR. BRUEN moved in page 23, line 12, after "mines," insert "of the description in respect of which the arbitration shall be had." There were wide differences, and knowledge of the working of a copper or tin mine would not be applicable to a coal mine.

MR. BRUCE said, copper and tin mines were not included in this Bill, and he admitted that knowledge relating to coal mines would not be applicable to them. There was a class of men well known as mining engineers, who had special knowledge of certain classes of mines, and from whom competent arbitrators could be chosen; but it would be tying the hands of the Secretary of State too much to limit his discretion.

MR. BRUEN repeated that he only urged the converse of the admission made by the Home Secretary.

MR. CAWLEY said, there was great danger in describing the qualifications of the arbitrator too minutely, for such description would furnish ground for calling in question afterwards the legality of the appointment, which, therefore, had better be left to the parties concerned.

Amendment *negatived.*

Clause *agreed to.*

Clause 47 (Adjournment of coroners' inquests on deaths from accidents in mines).

MR. STAVELEY HILL said, that as the section stood, the Coroner, within a certain number of days, was required to invite the Inspector to be present, and to adjourn the inquest for his attendance. The Coroner and Inspector were the only persons who had a right to examine witnesses in the Coroner's Court, and he proposed as an Amendment that the owner and manager of the mine, and the relatives of the persons killed, should have the same opportunity of assisting at the inquiry as was given to the Inspector.

Amendment proposed, in page 24, line 1, after the word "inspector," to insert the words "owner, agent, or manager and representative of the person whose death has occurred."—(*Mr. Staveley Hill.*)

Question proposed, "That those words be there inserted."

MR. BRUCE observed that the power was given to the Inspector as the representative of the public interest, and what was now proposed would be a great change in the existing law, leading possibly to very serious inconvenience and confusion. He had never heard of an instance in which the Coroner had refused to put questions suggested on behalf of the relatives of injured persons, nor indeed of any grievance arising out of the present practice. He hoped the Committee would adhere to the clause as it stood.

MR. RODEN contended that if liberty were not given to the relatives of the person into the cause of whose death the Coroner inquired, the Coroner's Court would practically be a close Court. He hoped the Home Secretary would reconsider the matter, and that the hon. and learned Gentleman would press his Amendment to a division, if the Home Secretary would not assent to it.

Mr. PEASE pointed out that the Coroner's Court was an open Court, but it was a Court for inquiry into facts, not for prosecution.

Mr. GOLDNEY said, that the Coroner did practically examine all witnesses, and if liberty were given to every interested person to put questions, the inquiry would be interminable.

Mr. GATHORNE HARDY thought the best way would be not to make special exceptions as to any one. If they were designing to make a change in the Coroner's Court, it would be far better to make such change by a general enactment. Why should inquiries into accidents that occurred in mines be put on a different footing from accidents that occurred from fire or other causes?

Mr. LIDDELL inquired what the practice was in cases of railway investigations?

Mr. DENMAN said, the Coroner had a right to allow an owner, agent, or manager, or the representative of a deceased person to appear and cross-examine witnesses, and there was no reason to apprehend that the Coroner would ever refuse to exercise the right in a proper case.

Mr. BRUCE believed that the law regulating railway investigations was the same as under the present Bill. The examinations before the Coroner were of a preliminary character, so as to secure the best means of ultimately arriving at the truth.

Mr. STAVELEY HILL affirmed his belief that the Bill ought to define the *locus standi* of those who were to appear before the Coroner.

Mr. WOODS said, it had been argued that the introduction of the Amendment would lead to confusion; but as he found that the whole proceeding would be subject to the order of the Coroner, he should support the Amendment.

Mr. FOTHERGILL thought it would conduce to good feeling amongst the mining community if it were clearly understood that the representatives of the person whose death had occurred should without difficulty have the opportunity of examining the witnesses at the inquest. In his own neighbourhood a great deal of feeling had been excited on account of the inability to probe accidents to the bottom. Unless this provision were introduced such feeling would not be got rid of.

Dr. BREWER opposed the Amendment on the ground that it would really tend to restrict the power which the Coroner already possessed.

Lord ELCHO believed that the mining population approved of the introduction of some such words as those contained in the Amendment.

Question put.

The Committee *divided*:—Ayes 126; Noes 146: Majority 20.

Part II.—Rules.

General Rules.

Clause 48 (General rules).

Mr. ELLIOTT rose to move an Amendment. Rule 1 provided as follows:—

> "An adequate amount of ventilation shall be constantly produced in every mine, to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, and workings of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein."

He proposed to insert, in page 24, line 29, after the word "shall," the words "under ordinary circumstances." The insertion of these words was most important. He sincerely desired to make the Bill effective, and had done what he could to render it so; but, as a practical man, he felt that, unless the Committee adopted the words he suggested, it would be impossible to conduct a colliery without being brought within the pains and penalties which the Bill imposed, and responsible and competent persons would, therefore, shrink from the position of a manager of coal-mines. This was a practical question, and though he wished, as the Committee wished, to do all that was possible to increase the safety of the miners and improve the ventilation of mines, he knew from practical daily experience that no amount of ventilation would meet extraordinary cases. For example, a sudden fall of the barometer might lead to the escape of not less than 50,000 feet of gas a-minute from the workings and goafs; and then the greater the ventilation the greater the danger, because the gas in its natural condition was uninflammable, while it would explode when mixed with a larger amount of atmospheric air. Again, in driving, you might come upon what was sometimes called "a bag of gas," which issued forth just as steam was blown from a locomotive. How could any amount of ventilation render a colliery harmless under these circumstances? These things frequently occurred. In the discussions in Parliament he feared it was often assumed that in collieries there was nothing like the amount of care which was really taken. Let the Committee remember, however, that in one mine there might be from 600 to 800 or 1,000 safety lamps, and that any tampering with these, or the minutest speck in some of the gauzes, might cause a serious explosion, and they would admit that it spoke well for the management of colleries that, with such a multiplication of risks, so few accidents occurred. If the greatest amount of care were not taken, depend upon it there would be many more disasters. But, according to his reading of the clause, it would never work. It was, indeed, a waste of time to discuss a rule so impracticable, and, he must add, on the face of it, so absurd; and any practical man, whether a mining engineer or a working miner, must admit this conclusion. The Bill comprised intricate and difficult provisions, and he was disposed to support and sympathize with the Home Secretary in the position he occupied with regard to it; but it seemed hardly possible that an intelligent Assembly like this should pass such a clause without the words he now moved to insert.

Amendment proposed, in page 24, line 29, after the word "shall," to insert the words "under ordinary circumstances."—(*Mr. Elliot.*)

Question proposed, "That those words be there inserted."

MR. LANCASTER agreed with the hon. Member that it would be impossible to carry out this clause and work a colliery satisfactorily, unless the words "under ordinary circumstances" were inserted. Circumstances arose from time to time against which it was impossible to guard so as to provide sufficient ventilation.

MR. FOTHERGILL said, that in order to carry additional conviction to the minds of hon. Members as to the truth of what had been asserted by the hon. Member for North Durham (Mr. Elliot), he would, if the House permitted, refer to his own experience of coal mines. In his own collieries he had not lost a single life by explosion for seven years, and in those seven years the collieries had produced nearly 6,000,000 tons of coal. No doubt much of the credit was due to his agent; and yet at that very moment he trembled lest an explosion should have occurred. The reason was that explosions were not caused by the gradual percolation of gas into the collieries, which could be provided for by adequate ventilation. If that were the only difficulty there would be no need of the safety-lamp, for regular ventilation would carry off a regular issue of gas from the coal. But this insurmountable difficulty had to be dealt with: there were met with stores of gas, the accumulation of countless ages, which there were no means of computing, and of which nothing was known, each representing, perhaps, the broken-down bank of a lake. It was utterly impossible to provide for such a contingency; we might as well call upon a road surveyor to provide culverts and bridges to take away the water rushing down the road from the broken-down bank of a reservoir. If adequate ventilation for such contingencies were provided, it would be of such a character that men could not work in the mine. There were some who believed that the use of the lamp was to enable the collier to work in explosive gas; but that was not so. The lamp was provided to save the lives of the men when they came across "blowers." When the collier happened to strike one of these bags or accumulations of gas, when the gauze of the lamp indicated the presence of gas, it was his duty to report the fact to the manager, who would take such precautions as were necessary. Was it not, then, preposterous to make the owner, agent, or manager criminally liable in the event of an explosion over which he had no control? Would not the inevitable result be that prudent men would no longer retain these positions and run the risk of being made criminally responsible, punished, and socially ruined? In view of penal legislation, it was a very good joke for Members to say to each other—"When will your hair be cropped? How will you like the treadmill?" But penal legislation was no joke to those exposed to it. It meant social ruin; no Member of Parliament who had been sent to prison and herded among villains could appear again in that House. He did not understand why owners, managers, and agents, to whose capital and zeal the country owed its trade, were to be prosecuted as if they were the the enemies of their species. He should say they were the friends of their country and deserved well of it; but it appeared as if they were to be persecuted like the Jews of old. What had they done to incur the righteous indignation of the right hon. Gentleman? The number of accidents kept diminishing. He had had no accidents in his own mine, and yet he was threatened with these fearful consequences. He would not appeal to those political philanthropists whose grating tones were familiar to their ears; it was useless to appeal to them by argument, because they had their own ends to serve; but he would appeal to the real, the noble-hearted philanthropists who sat in this House, and he would appeal to them in the name of the working colliers whose lives would be sacrificed if this Bill passed in its present form. If prudent and cautious owners and managers were driven out, imprudent ones would come in, and accidents would be multiplied and the sufferings of the mining population aggravated. The principle of this legislation was that as perilous accidents occurred they must be stopped. It was not enough that the strongest motives known to human nature should be acted upon to prevent them, and that an owner should be credited with an interest in the preservation of his property, which might be valued by tens of thousands of pounds, but there must be attached to these accidents criminal responsibility and social disgrace. Let the right hon. Gentleman go a step further; let him punish owners with death for a fatal accident; and if that were not sufficient, let him put them to death with torture. In the name of the working colliery population, whose imperfect education had been used by those who had their own objects to serve, he appealed to the Committee not to pass legislation which made owners and managers criminally responsible.

MR. BROWN argued that, if the words "under ordinary circumstances" were inserted, it would be found on inquiry that the majority of accidents would happen under extraordinary circumstances; and he therefore trusted that the Amendment would not be assented to, and that owners and managers would be required to ventilate their mines so as to provide against accumulations of gas.

MR. BRUCE said, he agreed with the hon. Gentleman who moved the Amendment that this was one of the most important clauses in the Bill, and there was no Amendment which more affected the position of miners and the safety of mines than did that which was now before the Committee. He earnestly entreated the Committee to consider in what position the Government stood with respect to this Bill. In 1854 a Select Committee was appointed to consider the subject of accidents in mines, which were then frequent and terrible; and that Committee made a Report, upon which was founded the Mines Inspection Act. He hoped and believed that Act had had a considerable effect in reducing the number of accidents in proportion to the number of persons employed and the quantity of coal raised. But in spite of this improvement, terrible accidents were continually happening, and there was a continual occurrence of small accidents, which annually swelled the list of deaths until the number killed was almost equal to the number killed in a battle. And it was not only the numbers killed we had to consider. An explosion or accident often left many helpless, disfigured, and miserable for life, to say nothing of the dependents of those killed and injured; and therefore the deaths represented only in part the disastrous nature of these catastrophes. In 1865 a Select Committee was appointed to consider the whole subject, and it comprised many Members of great knowledge and experience on this subject. They had before them all existing legislation, and it was their business to consider whether anything could be done to diminish the terrible loss of human life and the immense amount of human suffering due to these accidents. They considered the subject carefully; they made recommendations, some of which were stoutly contested, others of which were carried only by a small majority, and others almost without a division; but there was one recommendation of the Committee, composed as it was of men of authority on this subject, which was carried unanimously, and it was as follows:—

> "Your Committee have recommended the omission of the words 'under ordinary circumstances,' in the first rule, on the ground that there might be circumstances which, though not in strictness ordinary, were yet such as might be foreseen or guarded against; but your Committee have, at the same time, recommended that the owner or manager of a mine should, in the case of any proceeding against him for a penalty, either under the first or any other rule, be entitled to plead as a sufficient defence that he had taken all reasonable precautions."

That was the recommendation on which the present clause, which was denounced as unreasonable, was founded. That Committee consisted of hon. Members who were either mine owners or persons who had taken great interest in the subject, and the Resolution which he had just mentioned was carried without a division. The clause in the Bill which was founded on that Resolution was now represented as most disastrous to the masters. He admitted that there were in the conduct of mines circumstances which were absolutely beyond the control of the wisest and best manager, and the most careful master and best miner, and the hon. Member who moved the Amendment said the clause sought to give protection against accidents which could not be prevented. But he would ask his hon. Friends whether they would be content to carry on their works where such dangers existed in a manner which would be sufficient only under ordinary circumstances? Did not every conscientious and careful mine owner make provision for rare and more than ordinary circumstances? If they were not subject to these accidents, would they make so large a provision for the admission of air? It was true, as the hon. Member (Mr. Elliot) had said, that the danger of accidents was increased by a larger quantity of air under certain circumstances. Gas was not explosive until mixed with four times its quantity of air; although when mixed with fourteen times its own amount of air it ceased to be dangerous; and the object was to diminish, as much as possible, the period during which danger arose. The hon. Member for Merthyr (Mr. Fothergill) said that the occurrence of an accident might make a master liable to be sent to prison. That would not be the case if the master showed that he had taken all reasonable precautions, and, in the case of mines managed like those of the hon. Member for Merthyr, there would be no difficulty in proving that all reasonable precautions had been taken. The Government had been called on by the whole country not simply to consolidate the laws on this subject, but to provide some additional substantial security for those working in mines, and they found that the only possible way of effecting that object was to increase the penalties on the masters. If they had gone too far in endeavouring to attain that end, he should have nothing to say; but he denied that that was the case, for under the last words of the clause the masters would have ample protection. He knew the difficulty of meeting in discussion Members of that House with great practical experience on the subject, who said, and with truth, that they had, out of regard for their own interest and the safety of their men, adopted every conceivable precaution to prevent accidents. He had no doubt that was so, and if all mines were managed like theirs there might be no necessity for interference on the part of the Legislature. The necessity arose in the case of mines conducted by persons of less capital and less care. If his hon. Friend the Member for Merthyr had been able for seven years to prevent accidents in his mines, while in other mines around the men were meeting with fearful calamities, did not that circumstance afford the best argument in favour of the present Bill? The object of the Bill was to increase the responsibility of the owners, and when he before alluded to that object he was charged with exhibiting unnecessary warmth. He confessed that he did feel warm. This Bill was specially brought forward for the protection of the men, and it seemed to him that the Government had been betrayed by those who were sent to represent the interests of the men. He found them admitting amendments which destroyed the protection proposed to be given, and which made it almost impossible to prevent the employment of children before the proper time. He hoped, indeed, that the vote of the other day might be re-considered. But he had also been informed, on what he deemed most trustworthy authority, that one part of the arrangement between the employers and the men in the discussion which had been referred to was, that if the men would withdraw their support of the first general rule in its present form, the employers would concede payment by weight instead of by measure. Such a fact was most discouraging to those who wished to serve the men. He voted for payment by weight, but whether it was in the Bill or not was of little importance, because it was not necessarily connected with the safety of mines; whereas the Government looked upon this clause as all important. It was one on which the safety of the mine depended, and surely they had done enough, if, while casting upon the masters the responsibility of working the mine safely, they gave them the opportunity of setting up a clear and satisfactory defence when charged, which was all that the law required of them.

Mr. LIDDELL would appeal to the common-sense of the Committee upon this subject, and would appeal to it with confidence. He asked whether they were prepared to call upon the mine owners of this country to do what, on the highest practical authority, was declared to be impossible? The question was, whether the ventilation of a mine should, under all circumstances, be kept at the point of perfectibility? That was what they were requiring by this clause. It was a simple impossibility. The right hon. Gentleman said the Select Committee had recommended the omission of these words. The Committee were not infallible, any more than "Secretaries of State," and in that case they made a great mistake. Before their Report was dry they received representations from practical men that the thing was impossible. When the Government Bill of 1871 was introduced it was found that the words "under ordinary circumstances" were restored to the clause; and he found that in *The Times* report—generally very correct—the right hon. Gentleman was on the 13th of February stated to have said that "he had consulted the Inspectors of coal mines, and he considered it best to retain the law in its present form." Now, why was this change made? These words had been inserted in the Act of 1855, after long, careful, and anxious consideration; and they had been retained in every Act since. Why, then, should they now be departed from?

Mr. HUSSEY VIVIAN said, the subject had been considered by the Committee of 1867 with very great care. They heard evidence and came to the conclusion which the right hon. Gentleman had read to the House. But the Report of a Committee was very different from practical legislation by which penalties were imposed. The question had been discussed by the highest authorities, who believed it impossible that mines could be carried on under such conditions. The Committee ought to be very careful, in regard to penal legislation, not to admit words which could not be practically carried out. Now, in this case they were asked to insert words which those who were practically acquainted with the working of mines knew it would be impossible to comply with, and therefore he submitted that penalties ought not to be attached in such cases. From some slight accident—such as the leaving open of a door or some change in the barometer—"a working place" might become charged with gas, for which the owner, agent, or manager became chargeable with an offence he never committed, and for which he might be sent to prison, with hard labour. The right hon. Gentleman appeared to think that the section at the end of this clause would be a sufficient protection for owners, agents, and managers of mines. He took quite a different view. That sub-section violated every principle of English law. It assumed that owners, agents, and managers of mines were in the position of habitual criminals—that they were guilty until they proved themselves innocent; although it might be quite impossible for them to prove that they were innocent. Perhaps the right hon. Gentleman thought that an occasional flogging would do the managers good. Those who owned mines in the sense of receiving royalties from them were exempted from penalties; but those persons who ventured their money in mines, without having any more to do with the management than those who received royalties, were assumed to be guilty of offences which other persons had committed, unless they proved their innocence, and if they could not prove their innocence they might be sent to gaol, with hard labour. After all the practical opinions which had been given as to the impossibility of carrying out the rule, he hoped the Government would adopt the words proposed by the hon. Member for North Durham (Mr. Elliot).

MR. B. SAMUELSON contended that the proposed words were incompatible with the safe working of mines. ["No!"] The Inspectors' Reports proved that many mines were insufficiently ventilated, yet these mines were, "under ordinary circumstances," worked with safety. But there ought clearly to be a provision in such mines for more than ordinary circumstances. The rule was not meant to affect well-ordered mines. At the same time, some words ought to be inserted to save mine owners from undue responsibility. What we wanted to insure was that precautions should be taken against extraordinary circumstances, so far as that was humanly possible. Perhaps owners and managers were not sufficiently protected from the consequences of extraordinary causes, against which it was not humanly possible to guard. He would suggest the words—"except in case of accidental circumstances beyond the control of owners, managers, or agents." These might not be the best words; but they indicated the change which seemed to him to be necessary.

MR. NEWDEGATE: The hon. Member who spoke last not being a coal owner, and therefore not being in danger of being treated as a habitual criminal, does not appear to know that the words "ordinary circumstances" would apply to particular mines, and that if in a mine there was a liability to extraordinary issues of gas, ordinary precautions would, as far as possible, be provided against any extraordinary issues. The word "ordinary" would be construed by any Court under ordinary circumstances according to the character of the mine brought before the Court, and therefore the words were applicable to the circumstances of every case. But I trust the Committee will understand that the legislation which is applicable to the conductors of factories and workshops cannot be applied to the managers of a mine. The manager of a mine has the supervision of the working for miles underground. He is liable to as many accidents as the captain of a vessel; he is liable to the effect of the weather; he is liable to sudden falls of coal; he is liable to fogs. And therefore any attempt to render a mine as safe as a factory or workshop is simply an impossibility. The right hon. Gentleman the Home Secretary has pleaded the difficulties of his position. One of the chief difficulties to which he alluded was that he was bound under a pressure of opinion to take the strongest precautions that could be taken in this case. Now, that opinion is, to a great extent, an uninformed opinion upon the possibilities of the case. The right hon. Gentleman is one of those politicians who is liable somewhat to disregard the requirements of justice in their anxiety to accomplish what they consider a necessary object. I have heard him defend an official who had acted contrary to law, and who was afterwards convicted of having done so. I have heard him justify the conduct of that official by saying that he acted upon the principle *salus populi suprema lex.* I never before heard a man in a high position use that argument in this House, and I am afraid he is induced by uninformed public opinion to victimize the coal owners and the interests of the public. I wish to draw attention to the practical information which he has received. I am not ignorant of the fact that amongst the speculative coal owners—and by that designation I mean companies and their managers—there are persons who do not take due precautions, and I should not object to the imposition of a heavy deodand on every owner who renders himself liable to punishment. These speculators make great profits, and I would confiscate those profits. But when you come to inflict upon persons who very likely have taken all possible precautions penal legislation, you are going too far. I would say this—that this House ought to beware how it adopts in the case of a large class of capitalists who are exposed to something like unfair odium by the ignorance of the public, the character of the legislation which is applicable only to the criminal class; and I most urgently beg the House, looking at the criminal provisions contained in the subsequent clauses of the Bill, to adopt the words of an hon. Member who has had such large practical experience. It should be remembered that where a mine is liable to explosion from fire-damp, the "ordinary circumstances"—if the Bill is otherwise complied with, and the Inspector does his duty—will include every necessary and possible precaution against the characteristic danger of that mine. It is my firm belief that if the House attempts to legislate thus exceptionally, it will be legislating as if they were attempting to regulate the labour of the mariners of this country on the supposition that the ocean is never in a storm.

THE ATTORNEY GENERAL thought the clause had not been sufficiently considered as a whole. It had been looked at as if this particular section which was now engaging the attention of the Committee stood alone. The clause laid down that there was to be an adequate amount of ventilation, so that mines should be in a fit state for working and passing therein. Hon. Gentlemen engaged in coal mines said that such a stipulation compelled, and made failure penal under all circumstances, whether an accident could be prevented by care or not, to have the mine in such and such a condition. If the clause stood so there would be much in the argument to which he was now addressing himself. But everyone knew that it was an inflexible rule of law that no one could be called upon to do an impossibility; and if a person had done all that was reasonably possible under the circumstances, and was overborne by circumstances that could not be controlled, he was, in his (the Attorney General's) opinion, within the meaning of the clause as it stood in the Bill. No magistrate would be justified in convicting; and no Judge would sustain a conviction in such a case. But the concluding section of the clause laid down a sort of procedure, and after having promulgated a certain number of general rules concluded in this way—

> "Every person who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, being proved, the owner, agent or manager of such mine shall be guilty of an offence against this Act, unless"—and the Committee should mark the words—"he proves that he had taken all reasonable means to prevent such contravention or non-compliance."

The informant would hear of an explosion, and he would find, *primâ facie,* that the mine was not in a fit state for working, and that the owner had contravened the rule which said the mine should be in a fit state for working and passing therein. In the absence of any proof to the contrary, the owner of the mine would be guilty of having contravened that rule. But if he could prove that he had taken all reasonable means of preventing a contravention of that rule, he would be protected by the words of the Act. What was the hardship of imposing upon a mine owner who took such large profits from his operations, which could not be conducted without great risk to human life, the duty of showing that he had taken all reasonable steps to protect human life. If a shipowner sent to sea a ship which was unseaworthy, he was criminally responsible; if a railway train went off a line and killed people, that was *primâ facie* evidence that there had been negligence on the part of a railway company, and, in the absence of any proof to the contrary, the railway company would be answerable for that. First of all, therefore, the responsibility sought to be imposed by the clause was a reasonable responsibility; and, secondly, it was not a new responsibility. Now as to the Amendment of the hon. Gentleman opposite (Mr. Elliot), that the words "under ordinary circumstances" should be inserted, there were certain states of danger which could be easily guarded against; but there were cases in which the risk became still greater, and which would require greater care, and these were circumstances which ought to be within the contemplation of mine owners when they conducted their operations. To insert the words of the Amendment would, in his opinion, take away all means of effecting an improvement in the working of mines; but Government were willing to introduce the words "so far as possible."

MR. STAVELEY HILL must take exception to his hon. and learned Friend's statement that a railway was liable in the first instance on account of an accident before a *primâ facie* case of negligence was made out. Passing, however, to the actual subject under discussion, he remarked that the clause enacted that the owner, agent, and manager of a mine should be held to be criminally liable and subject to penalties in the event of the ventilation being inadequate. The question to be considered, therefore, was, what was an adequate amount of ventilation? They were told by those who had experience in ventilation that the passing of a certain number of cubic feet of air per second through the mine rendered it safe for workmen to work in a mine; and they were also told that a fall in the barometer indicated danger, and that certain gases were being liberated which would fill the whole mine. The marsh gas or fire-damp existed under such pressure as to maintain it probably even in a liquid state, and from a sudden diminution of pressure it rushed out in what was termed "a blower," and filled the workings. Now, the question was, ought the ventilation called for by that clause in the Bill to be so great as in every possible event to reduce into a harmless state the gases which were thus set free? Those who supported the Amendment said that that was an impossibility. He did not think the words suggested by the hon. and learned Gentleman in place of the Amendment at all met the case of owners and managers. The question was, what amount of ventilation would be required to pass per second through the mine in order to render the gas harmless which was likely to be liberated, and ought they to require more? As it was impossible to pass through the mine such an amount of air as to do so in all events, without interfering with the working of the mine, the insertion of the words in the Amendment, or some such words, became necessary. He considered the Amendment one of the most important which had been submitted to the Committee.

DR. LYON PLAYFAIR was sorry that there was not a disposition "on the other side" to accept the suggestion of the hon. and learned Gentleman the Attorney General. He did not think the word "possible" in the Amendment suggested by Government a good word; but he thought "practicable" would meet the case. He dissented entirely from the insertion of the words "under ordinary circumstances." A manager or owner incurred immense responsibility by the arrangements which he adopted for ventilation. In fact, he held in his hand the lives of hundreds of persons, just as the captain of a ship held in his hand the lives of the crew and passengers intrusted to his skill. Now, what would be thought of a proposal to make the captain only responsible for navigating his vessel "under ordinary circumstances." If the barometer fell, and if a hurricane came on, was the captain's responsibility to cease? Why, then, should the responsibility of the mine owner be at an end when the barometer fell, or from other causes a moment of danger was at hand? He was sorry to see that science was at a discount in this discussion; but he might mention that a paper, recently read before the Royal Society by a practical miner, and by the head of the Government Meteorological Office, stated that 71 per cent of the explosions which had occurred during the three years 1868, 1869, and 1870, were due to barometrical depressions and thermometrical risings. If, then, as they were told by the hon. Member for North Durham (Mr. Elliot), a fall in the barometer had such influence, why should not the owner or manager be held responsible? He himself had a pecuniary interest in mines, and he felt convinced that both the owners and the miners would be benefited if this responsibility were imposed on the former. He did not speak as a mere theorist, for he had seen all kinds of mine accidents, and drawn the explosive gases from the mines under all circumstances, and the deaths were few which occurred from the sudden blowers they had been told of. In cases of falls of the roof, and falls in the barometer, and escapes of gas, no advantage would be gained if the words "under ordinary circumstances" were inserted. It was quite true the total loss of lives from explosions was not increasing much in this country; but there was one thing which was increasing, and that was the number of serious explosions, with the loss of a large number of lives. From 1851 to 1855 there were 13 serious explosions, and by serious explosions he meant where there was a loss of more than 10 lives; from 1856 to 1860 there were 15 serious explosions; from 1861 to 1865 there were 12; and from 1866 to 1870 there were 21. It thus appeared, as deeper pits were sunk, as mining works were extended, these serious explosions became more frequent, and it was necessary that not only practice—for practical experience was indispensable—but intelligent knowledge applied to that practice, should be brought to bear. Accordingly he trusted that the words "under ordinary circumstances" would not be introduced into the clause.

LORD ELCHO remarked that former Mines Bills contained a clause which rendered it necessary to have a barometer at the mouth of the pit as well as below in order to indicate the state of the atmosphere. While listening to this discussion he could not help thinking it would be desirable to have a barometer in that House, in order that hon. Members might know what kind of atmosphere pervaded it. If the barometer had shown that explosive gases were afloat, hon. Gentlemen would have known that there were a great number of blowers on the Treasury Bench to-day; and that, at all events, one of the volcanoes on that Bench was not wholly extinct. His right hon. Friend the Secretary of State said the interests of the miners had been betrayed. He distinctly asked the right hon. Gentleman to state who it was that had betrayed the cause of the miners? The impression made upon practical men by the right hon. Gentleman's new-born zeal was this—that he was endeavouring to put upon the mine owners duties which, owing to the laws of nature, it was impossible for them to fulfil. This question was discussed years ago, before this "unholy alliance" had been formed; it was discussed at meetings of miners and coal-owners, and they agreed on a form of words which they thought unexceptionable—namely, "except under circumstances that could not reasonably have been anticipated." He hoped the right hon. Gentleman would not fly at his throat again, ["Oh, oh!"]—morally, he meant—for referring to the meetings which were held this year with respect to the Bill. The words he had mentioned were proposed, and who was it that objected to them?—Mr. Dickinson, one of the most able and experienced of the Inspectors, and his reason was that the words could not be construed to mean more than the words "ordinary circumstances," and Mr. Dickinson urged in the strongest way that these last words should be restored.

Mr. PEASE believed that the Committee which had been alluded to, though it had done useful work, still represented only a part of the men, some coal-owners, and some Inspectors. The clause as it stood was not satisfactory, for it was an attempt to enact that unless the mine owners proved that they were innocent they should not be acquitted. The object which all had in view he believed could be best effected by substituting the word "practicable" for "possible" in the words suggested by the Attorney General, and that substitution he understood the Government were prepared to accept.

Mr. CRAUFURD contended that the clause should be retained as it stood. In the interest of the miners, whose lives were in danger, he must object to the words "ordinary circumstances," and the words suggested by the Attorney General he held to be equally objectionable. Who was to judge of what was "practicable?" Any qualification of the clause would be a means of escape from that liability which they were anxious to impose on the masters. The arguments against the clause were, in fact, arguments against the legislation which the House of Commons had expressed its determination to adopt. He earnestly hoped that Her Majesty's Government would stick to their own clause.

Mr. RODEN did not find in the speech of the Attorney General a single argument which was valid against the Amendment. The hon. Gentleman (Dr. Playfair) had stated that serious accidents were increasing every year. Every one knew that statement was entirely wrong. ["No!"] The quantity of coal taken out of the mines was enormously increased, and the accidents were not half so many if the quantity of coal was taken into account. There was no trade in which a greater amount of talent was enlisted, or in which greater exertions were made to secure able men. Why, more accidents occurred in the streets of London in one year than in all the collieries in England in the same time. ["Oh, oh!"] It was a fact; he alluded, of course, to explosive accidents. He had to take exception to a serious mis-statement made by the Under Secretary the other evening, which had gained the Government several votes. The hon. Gentleman stated most clearly and distinctly that this Bill was a mere extension of the Factory Acts.

Mr. WINTERBOTHAM said, he stated nothing of the kind. What he did state was that the clause under consideration at the time referred to was to some extent taken from the Factory Acts.

Mr. RODEN said, that several Members, at all events, had voted under a misconception. It appeared to him that under "ordinary circumstances" were as suitable words as could be employed, and they were words which had been agreed upon by the representatives of the mine owners and the men. He should support the hon. Member for North Durham (Mr. Elliott) unless the Government gave way.

MR. BROGDEN, as a mine owner, thought that the words "under ordinary circumstances" would allow of too great laxity, and that "as far as practicable or possible" were terms which were even as general and as incapable of accurate interpretation, and he would suggest, as words which would indicate to the magistrate that something more than the care required "under ordinary circumstances" was expected, the words "except in a contingency which cannot be provided against by reasonable precautions." There were contingencies which could be provided against; and there were others against which no ingenuity or foresight would avail.

MR. WHALLEY thought there was an almost general concurrence of opinion that the acceptance of the words "under ordinary circumstances" would increase the risk in mines. He never yet heard of an accident which occurred under ordinary circumstances. It seemed to be the object of the Bill, while not interfering with fair enterprise, to prevent, if possible, mines being carried on by men with inadequate capital, or men not disposed to expend what was necessary to insure safety.

MR. HENDERSON said, the words "as far as practicable" would scarcely meet the case, because it might be practicable to provide more ventilation than the men could work in. He would, therefore, suggest that the expression used should be "reasonably practicable."

MR. ELLIOT said, he would propose to add these words at the end of the clause if the Government would accept them:—"So far as may be reasonably practicable, having regard to any special circumstances of the mine."

MR. DENMAN said, these words would mean nothing at all—no more than the words at the beginning of the clause. Neither would the words "as far as practicable" make any practical difference to the clause. The best course would be to adhere to the form of the clause proposed by the Government and to insert no words at all.

MR. ELLIOT asked the Government whether they accepted the words he had just read?

MR. BRUCE replied in the negative. The word "reasonable" had no legal significance; "practicable" would mean reasonably practicable, or practicable under the circumstances of the case. Although he was not sure that the words suggested by the hon. Member for North Durham (Mr. Elliot) would weaken the force of the words now proposed by the Government, he was not prepared, without more consideration than was possible on such an occasion, to accept them, because he should be sorry to discover afterwards that they admitted a dangerous principle. Therefore, if the words now proposed on the part of the Government were accepted, he would undertake to consider how far it was possible also to accept the words of the hon. Member.

MR. ELLIOT could not accept the proposition of the right hon. Gentleman; he would rather be beaten on his own Amendment. The discussion had only convinced him of the soundness of the opinion which he had already expressed. He had been called in, either for the Government or others, on the occurrence of every great explosion for many years; in no case had it been proved how the accident occurred; and yet it was proposed to make owners criminally responsible in cases in which they could not prove that they were not responsible. He had discussed this matter with almost every practical authority in the country, and the Home Secretary was almost the only man he had met with who stood up for the clause. He must adhere to his Amendment, because he believed that if the clause as it stood were carried, it would not work.

MR. BRUCE, in reply to a remark which had been made, said, that nothing was further from his mind than to use an *argumentum ad hominem;* he merely referred to authorities as a justification of the Government in the course they had adopted. He hoped the Committee would support the Government in negativing this Amendment, and when they had done so the Government would insert the words proposed by the Attorney General, with the modification suggested—"as far as practicable." The Bill did not compel the owners or managers of mines to show the cause of the accident. That would be unjust; but the Bill simply required them to show that they had taken all those reasonable precautions which men carrying on a dangerous business were bound to take for the safety of those they employed.

Question put.

The Committee *divided:* — Ayes 20; Noes 298: Majority 278.

Committee report Progress; to sit again upon *Thursday.*

And it being now Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

PROPERTY AND REVENUES OF THE CHURCH OF ENGLAND.

ADDRESS FOR A ROYAL COMMISSION.

MR. MIALL, in rising to move—

> "That an humble Address be presented to Her Majesty, praying Her Majesty that by means of a Royal Commission full and accurate particulars may be procured of the origin, nature, amount, and application of any property and revenues appropriated to the use of the Church of England,"

said: Sir, last Session when, by the courtesy and forbearance of the House, I was permitted to put before it a Motion in favour of the disestablishment of the Church of England——

Notice taken, that 40 Members were not present, House counted, and 40 Members being found present,

MR. MIALL resumed. When I was interrupted by the attempt to count out the House I was about to refer to the advice given me by the right hon. Gentleman at the head of Her Majesty's Government, who closed his speech in opposition to my Motion by telling me that before I could expect the House of Commons to accept my proposition, I must persuade a majority of the constituencies to give their sanction to it. The right hon. Gentleman, in pointing out to me the only constitutional path to my object, backed his advice by referring to a Petition against the Motion which the right hon. Member for the University of Oxford (Mr. G. Hardy) had presented with a rather theatrical air of triumph before I rose—a Petition supposed to be from a greater number of the ratepayers of Bradford than the whole borough contains. This more than unanimity, as it seemed, of my own constituents in condemnation of my proposed policy, justified the right hon. Gentleman, who could not have been imagined to suspect its semi-fictitious character, in recommending me to a preliminary sphere of action, and, in good faith, those with whom I have been accustomed to act, readily agreed with me in accepting that advice. Sir, I may speak for them, I think, as confidently as for myself, that the right hon. Gentleman's counsel was taken chiefly because we had all along been of the same mind with him in this respect. We never deemed it possible to anticipate public opinion or to surprise the House of Commons on a question of this magnitude and importance. We never desired it. For myself I can aver—and in doing so I believe I do but faithfully interpret the sentiments and feelings of the bulk of those who go with me—that if I could give legislative effect to the policy of disestablishment and disendowment to-morrow, I should decline the responsibility of doing so, unless I were backed by unmistakable and sufficient evidence that I should be thereby giving expression to the deliberate and settled will of the nation. Sir, I desire that whatever is done in Parliament in this matter, should be done as the outcome of calm, dispassionate judgment, and in full view of all those elements of the case which ought to receive their due proportion of consideration. I am not only willing, I am anxious, that light from all quarters should be shed upon the subject; that nothing should be hidden with regard to it; that no information bearing upon it should be suppressed; and that whenever the people of this country come to a determination of the problem it involves, they should come to it with minds fully informed of all the facts which can serve to guide them to a wise decision. Well, Sir, the information which I wish to be laid before the country, and which I hope a Royal Commission will be able to collect and to stamp with authenticity, is unquestionably requisite to a complete and statesmanlike view of the whole case. I wish it were otherwise. I wish that the conditions of the problem were such as would admit of an entire separation of the question of disestablishment from that of disendowment. In thought, nothing is more easy. In action, nothing could be more impolitic or dangerous. An elaborately-organized institution, whose sole object is to shape the religious faith, and guide the devotions of a community like ours, cannot safely be invested with a large amount of national property, and at the same time be freed from national control in its application of it. It is one of those instances in which self-support and self-government must go hand-in-hand. No wisely-ordered State can countenance an *imperium in imperio.* No enlightened subject of the State can sanction the appropriation of national resources to the irresponsible use of any organization of men which seeks to dominate over the spiritual part of man's nature, without taking care to set legal bounds to that domination. I am told, Sir—and indeed I know—that some hon. Friends of the object I have in view are disappointed and aggrieved that I did not ask for a Commission of Inquiry on the whole case, and that I have limited my proposition to that feature of it which is the least worthy of searching investigation. The pecuniary phase of the question in dispute, they say—and they say justly—is, of all others, the least important and the most sordid. In one sense that is so—for the material possessions of a church cannot be held in comparison with the spiritual results it achieves. But, Sir, no Commission of Inquiry could ascertain spiritual results except by means of a definite and recognised spiritual standard, and this is precluded by the many differences of religious faith and practice in this country. The national judgment as to these results will be governed by opinion, and opinion can best declare itself in the deliberations and determinations of this House. I confine my Motion for Inquiry to the Property and Revenues of the Church of England, not because I believe them to present the most interesting or important phase of the controversy, but because the facts respecting them can be accurately ascertained; because a knowledge of them is necessary to a fair judgment of the whole case; and because, should the country hereafter see reason to adopt the policy of disestablishment, it will need full and minute information of this kind, to enable it to carry this policy into effect. Sir, I hold myself entitled to ask for this information on the ground that the Church of England, regarded as an Establishment, is a national institution. It is largely—I may say mainly—sustained by national resources. It derives its special status and privileges from national authority. It is governed by the national will, constitutionally expressed. It exists for a professedly national object. All the subjects of the realm have an equal right, within certain conditions, to claim the benefit of its offices. In its connection with the State it belongs to the whole people of the State in the same way as the Army, the Navy, the Civil Services, or the two Universities. The State, therefore, represented by the Crown, has a full right to inquire into the nature, amount, and application of the property and revenues which it enjoys. More than a generation has passed since any inquiry of this nature has been made. The Royal Commission of 1832, no doubt, stated the aggregate value of church property at that time with general correctness—but they gave as little detailed information as possible, particularly with regard to the parochial revenues of the Establishment. Since then, a vast change has taken place both in the circumstances and the sentiments of the people of this country. Of one-half of them it may be said that they receive no direct benefit from this ecclesiastical institution. A very large number of them disapprove of the political basis on which it rests. They observe the clerical officers of it practically breaking away, day by day, from the bonds of legal discipline. They have a right to demand thorough investigation into that side of the question which falls most directly within the purview of the State—namely, the material resources by which it is upheld. There are many who think—I do not say whether rightly or wrongly—that it is not doing what might fairly be expected of it considering the means within its reach. That question is a fair one to raise, and I think the results of the inquiry for which I ask will be useful to show the means which have been placed at the disposal of this institution. Sir, the hon. Member for West Surrey (Mr. Cubitt) has a Notice on the Paper for a Commission to inquire into the property and revenues of the religious bodies "not" included in the Established Church. That Notice looks very much as if it were meant to be a parody on mine—and hence to claim only such consideration as may be due to a practical joke.

I hope, however, I do the hon. Member no injustice in coming to the conclusion that the purpose he had in view in giving his Notice must have been a serious one. I form that judgment of it, because, as a jest, it is a very sorry one. I take for granted, moreover, that the hon. Member's taste is too correct to admit of his subjecting the House to anything in the shape of practical joking, and perhaps, I should add, that his Notice of Motion, assuming it to have been given in earnest, exhibits precisely that ignorance or avoidance of the real points at issue—that begging of the question in dispute, and that confusion of ideas in relation to the difference between public and private rights—which the hon. Gentleman has again and again displayed in this House. But, Sir, although the hon. Member for West Surrey shuts his eyes, with the strongest will imaginable, against the essential difference between endowments and other means of income held from the whole people of England and Wales, for the use of the whole people of England and Wales, and those given by private individuals to private religious communities, he cannot either annihilate or lessen that difference. What I apprehend him to mean is that the endowments and other means placed at the disposal of the Church of England, are placed at the disposal of an independent religious community, and that the State has the same right to inquire into the means of sustaining the spiritual instructions of the Independents or the Baptists, or the Methodists, as it has to investigate the pecuniary resources of the Protestant Episcopalians at present in connection with the State—a position in which I do not think he will be confirmed by any authoritative expositor of constitutional law. But, Sir, I take this opportunity of assuring the hon. Member that—always assuming the question of right to be held in reserve—I, for one, would willingly assist in acquiring for the State any information respecting the "ways and means" of non-established religious communities which the State may deem it necessary to collect for public purposes. Assuredly they have no reason to shrink from the fullest disclosure of the origin, nature, amount, or application of the property or revenues appropriated to their use. Whether it would be consistent with general and recognized principles of public policy to ask the Crown to make this inquiry into private affairs—it will be for Parliament to judge. As to the information for which I ask, it strikes me, Sir, that even the stoutest defenders of the State-Church system should not hesitate to put the country in possession of it. They have the most unwavering confidence in the superiority of the existing over all other systems of providing for the religious instruction of the whole community. They profess—and, no doubt, in perfect sincerity—to believe in the religious attachment of a majority of all classes to the National Church. They are fully aware of, and naturally regard with disapproval, the efforts which are being made to change the relations in which the Chuch stands to the State. Both the parties in this controversy—perhaps the greatest in modern times—may well desire to enjoy the advantage of a complete and accurate knowledge of the actual facts of the case. Anything savouring of mystery or of studied concealment in a matter of this kind, is sure to stimulate imagination, to breed exaggerated and sometimes extravagant notions, and to favour a semblance of argument which might possibly disappear in this light of truth. Not only is the country "entitled" to know, but all classes of the kingdom are "interested" in knowing, all that can be known, in contradistinction from whatever can be only guessed, respecting a national institution which takes charge of their highest interests. I trust this view of the Motion will present itself to those hon. Members who, at first glance, are opposed to it. They really can gain nothing by concealment. They are likely only to give fictitious strength to misconceptions, to excite popular prejudice, and probably to foster false notions, which, for the sake of the Church to which they are attached, they had much better dispel. Sir, I will even venture to urge upon them a much higher consideration. It will not be denied, I apprehend, on either side of the House that the *vis vitæ*, the moral power of Christian truth—of that truth which Parliament is so intent upon having taught daily in its elementary schools—may be, and usually is, very seriously impaired by being associated with any determination of the rulers and guardians of the Church, to withdraw or to withhold from public inspection all authentic information on the subject of ecclesiastical finances. It would be a misfortune, not merely to the Church of England, but to religion, if this House, by refusing to inquire, should encourage large numbers of our working men in their suspicion that national religious organizations are chiefly held together by the vast extent of their endowments, and that these endowments—believed to be extravagant because accurate information of them is never given to the public—constitute the principal end of the State Church, rather than the necessary means to an end. Such a stumbling-block as this might be promptly and effectually removed by the work of a thoroughly honest Commission, and by the publication, in an authentic form, of the information they will be able to collect. I trust, therefore, that no serious opposition will be made to the Motion with which it is my intention to conclude. Now, Sir, if the House will kindly give me its attention for a few minutes—for I do not mean to detain it long—I will explain, as cursorily as possible, the kinds of information which a Royal Commission might elicit and authenticate for the use of the public. I will speak first of the financial provision made in the parishes for the conduct of Divine worship and the spiritual instruction of parishioners — in other words, of the various kinds and sources of income which singly or in the aggregate constitute a benefice. Well, Sir, I believe I am justified in saying that, in regard to these, no complete and thoroughly trustworthy account of their financial value is available to the public. True, it does not lack information on some points; but then on other items no public means of accurately ascertaining the truth exist. It is a fact, I believe, that since the Report of the Commission of 1832 was published, the number of benefices has been increased by nearly 4,000; and it is also beyond question that considerable additions are being made, year by year, to the incomes of the poorer rectories and vicarages. But in regard to none of these benefices is there access to any common source of information which gives an authoritative detailed statement of the parochial revenues. There is, to be sure, *The Clerical Directory*. There is also *The Clergy List*, and there are several diocesan calendars. But, unfortunately, the estimates of value given in these works in respect of each benefice frequently disagree one with another, and when compared with the schedules attached to the Reports of the Ecclesiastical Commissioners, they all exhibit discrepancies which deprive them of all value for statistical and public purposes. Well, Sir, parochial benefices may be roughly ranged into two classes —those more ancient ones deriving the chief part of their annual revenue from tithes and glebe lands, and those more modern ones which, formed, as they have been, for the most part, to overtake the wants of rapidly expanding towns and populous places, have been otherwise endowed. It would largely conduce to clear views on the question of disestablishment, and still more of disendowment, that the two categories should be kept distinct. They stand respectively in a very different relation to what is equitably due to them from the State. They each belong, it is true, to the same ecclesiastical system; but it can hardly be maintained that each comes under the same conditions in reference to the question of a continuance or discontinuance of a National Establishment. Now, Sir, I am anxious, first of all, to obtain authentic information respecting the origin of the more ancient parochial endowments. Whence did they come? From what sources were they derived?—private or public, individual or national? Take, for example, the old tithe system of rent-charge. Did that originate in private beneficence or in public law? The people of this country are being incessantly told that the State did not confer her ancient parochial endowments on the Church, and that what the State did not give, the State has no right to take away. But is it historically correct to say that the State did not, as the effect of civil authority and positive legislation, bring into existence the great bulk of the tithe property of this kingdom? I may be told that this is a purely archæological question, about which wide differences of opinion have been held by the best informed, and that no Commission can authoritatively settle it. Sir, I dispute that allegation. My contention is that not only can the problem be finally solved, but, in my humble opinion, it can be best and most satisfactorily solved by the investigation of a Royal Commission. I shall be asked, *cui bono?* Well, Sir, a thoroughly substantiated knowledge of the origin of our parochial rent-charges may materially influence the judgment of a vast number of persons as to their moral right to approach the consideration of the main question at all. It is not fair to them, it is not fair to the country, that they should be left under easily removable erroneous impressions by which their view of the whole controversy is greatly prejudiced. They are told over and over again with unfaltering assurance that the property of the Church rests upon precisely the same foundations as the territorial property of every landowner in the country—that to meddle with the one would be to shake the basis of the other; and that, inasmuch as it was given to the use of the Church of England by our pious forefathers out of their own possessions, any alienation of it from that use, even by the authority of Parliament, can only be effected by "confiscation and sacrilege." These, Sir, are ugly words, and are freely resorted to by those who wish to scare moderate men away from fair and intelligent conclusions on the subject. Either they are true or they are untrue. If true, let them be confirmed by evidence—if untrue, let them wither beneath the light. Of course, the House will not expect me to go into any discussion of this branch of the subject. Even if I could lay down the truth in regard to this matter with the most perfect exactitude, it would need the stamp of some unquestionable authority to give it general currency. Now, Sir, a Royal Commission—unless, indeed, I am wholly mistaken in the views I entertain—could demonstrate by a chain of indisputable facts, that the old tithe system could not have originated in private liberality, and that, as to the bulk of this kind of property, it necessarily grew out of the operation of public law. It will not be disputed, I imagine, that unenclosed, uncultivated, or, as the Act 2 & 3 *Edward* VI., c. 13 has it, "barren or waste ground" paid no tithe until it was "improved and converted into arable or meadow land." Well, it was surely by the force of common law, and not by the private beneficence or piety of our Anglo-Saxon forefathers, that waste land, when brought under culture, or, in other words, when redeemed from waste and barrenness, became chargeable with tithe, and it was by statute law—namely, the 2 & 3 *Edward* VI., c. 13, that the land thus taken into cultivation was exempted, expressly, too, for the encouragement of agriculture, from payment of tithes during the first seven years. Well, Sir, between the years 1760 and 1849, Parliament passed not fewer than 3,867 Inclosure Bills, bringing under cultivation 7,350,577 acres, and purely by this process and no other adding them to the legally titheable area of the country. Now the latest agricultural statistics show that the total acreage of land under tillage or pasture in Great Britain amounted in 1871 to somewhat upwards of 26,000,000 acres. If we allot 24,000,000 of these to England and Wales, and set down the number of acres redeemed from waste during the last 100 years at 8,000,000, which is probably much within the mark, it will appear—since 8 is just one-third of 24—that at least a third of the tithe property of the kingdom was brought into existence within the last century. Well, Sir, a Royal Commission could bring out the truth of all this in dates and figures—it could carry the process back to Edward VI.'s reign, when the whole extent of land under the plough and depastured could not have exceeded above 6,000,000 acres, or about a fourth of what it is now. Nay, it might safely run back to the time of King John, when lords of manors first ceased to appropriate their tithes wherever they pleased, and might show by incontestable facts and figures that of eight-ninths at least of the tithe property of this kingdom, since commuted into rent-charge—that is, of 21,500,000 acres out of 24,000,000, on the annual produce of which rent-charges are now held due to the Church—the tithes could not, by any possibility, have originated in private munificence, and could only have come into being by the creation of public law. But it will hardly be necessary for me to remind the House that tithe rent-charge is not by any means the only kind of ancient ecclesiastical endowment devoted to religious purposes in parishes which I have classed in the first category. Sir, I wish we had as much trustworthy information respecting glebe lands as we have in the case of tithe rent-charges. But, Sir, so far as my researches have gone, we have none whatever. It is, let me suggest in passing, a matter in which full and accurate knowledge is highly to be desired on other besides ecclesiastical grounds. The amount of landed estate held by corporations sole in a country of large population and limited area like this island, cannot be justly looked upon as a question of no importance. A knowledge of all the facts relating to it is even now of great moment in determining the expediency of the national policy in respect of the tenure of land. Yet the country is in the most helpless and hopeless ignorance respecting it. The public can ascertain from no authority that I am aware of, what is the proportion in the number of parishes in which glebe lands constitute part of the ecclesiastical endowment, nor the average value of the land held in each case, nor the annual revenue derived from it, or likely to be derived from it in the changing condition of the future, nor how much has been given by individual liberality, nor how much has been added from public ecclesiastical funds. I should be sorry even to give a guess at either a minimum or a maximum total of the revenue derived to the Established Church from this source. I should even shrink from characterizing it as either relatively small or great. There are no authentic data on which to form an estimate. I, therefore, deem myself entitled to ask for authentic information. I turn now, Sir, to the other class of parishes to which I have referred—namely, the more recently formed, the less amply endowed, and, for the most part, the densely populated parishes which do so much of the work of the Church of England in large towns. Sir, there will be no difficulty or dispute here as to the origin of the endowments, although a precise statement of their nature and amount may serve a useful purpose. My own impression is that these parishes, their financial arrangements, and the work that is being done in them, will present one of the most instructive chapters in any Report of any Commission on the subject of ecclesiastical finance—in one view of it most creditable to and commendatory of the Church of England as a spiritual institution. Sir, I believe they have a tale of their own to tell—a very impressive one, and one which none of her children need blush to hear—a tale which will command admiration and respect even where no allegiance is paid to her ecclesiastical or theological authority—but a tale which will not illustrate very vividly the aptitude of the State-Church system to deal fitly and promptly with the varying circumstances and wants of successive generations. However, Sir, our desire is that all the facts relating to every aspect of the case should be known, whether they tell for or against our politico-ecclesiastical theories. The number of Church edifices and of parsonage houses in both the kinds of parishes I have named—their origin and estimated value—the funds by means of which they are kept in repair—the working of the voluntary church-rate system—the average annual amount of clerical fees, and, where they are obtained, of Easter dues—what amount is paid, under various Church Building Acts, in the shape of pew-rents—and what is obtained in the metropolis by rates on householders in lieu of tithes—these are topics which the Commission might elucidate. Well, Sir, I promised the House that I would not detain it long—and for the sake of my own Motion, for the discussion of which an evening's sitting is not likely to give more ample time than is necessary, I shall resolutely keep my word. I leave the Cathedral property, that in the hands of the governors of Queen Anne's Bounty, of the Ecclesiastical Commissioners, and in the possession of the Bishops—though some of these are tempting themes—to be dealt with by others, as far as time and occasion may serve. Of course, they would all be included in the inquiry I propose. Well, now, Sir, I am truly at a loss to conceive what are the real objections to the inquiry I propose. I have some ground for thinking that it is not the inquiry itself which provokes opposition so much as the circumstances under which, and the quarter from which, the Motion for it proceeds. It is a first step leading up towards disestablishment, I am told. It is urged upon the adoption of the House with an ultimate view to that legislative consummation. It is a sequel to the Motion of last year. It is brought forward by the same political and Parliamentary party. Sir, I am not disposed to deny that these allegations are substantially true—but I certainly fail to see in them any sufficient reason for locking up in reserve the information requisite to let the country look at the facts as they stand. Is it apprehended that if the people are allowed to inspect the financial mechanism of the Church Establishment, the modes in which it works, and the results which it achieves, they will forthwith repudiate the connection between Church and State? Of course no such consequence is thought to be likely by those who intend to resist this investigation. Nay, ought not the friends of the State-Church system to show such confidence in the wisdom, the purity, the regularity, and the economy which characterize the working of its financial arrangements, as to take pride in welcoming the closest and most scrutinising inspection, and the more so by misinformed opponents of that system? On the other hand, is it believed that a *bonâ fide* Commission of Inquiry will be sure to bring to the light a certain proportion of financial abuses and ecclesiastical jobbing? Why, even so, it will be better to lance unsound places than to let them fester beneath an unbroken skin. You will not weaken the Disestablishment party by refusing the inquiry I propose. You will not strengthen their immediate influence by granting it. In a great controversy like that which is seeking to settle the true relations of the State to the religious institutions of the community—a controversy, be it borne in mind, that no human will can stay, which is exciting thought and is stirring action in every country in Europe, and which, whether with or without our assent will be a matter of small importance, is everywhere advancing with irresistible momentum to its clearly foreseen issue—in such a practical controversy, I repeat, the cleverest stratagems of party go for little, and do but resemble the sand castles which children build upon the beach and see speedily engulfed by the incoming tide. We are sure—or, if we are not, we might be—that the days are not very far off which will witness the solution of this greatest problem of the age in a form, it is to be hoped, most in harmony with social, civil, and political justice on the one hand, and with the freedom and independence of organised spiritual life on the other. Sir, I will not pretend to hide from the House that I am intensely interested in looking forward to, and working for, so eminently a desirable result. It is as a contribution towards a wise and truthful, and I may add considerate, decision by the people of this country of the question at issue, and towards a fair adjustment of the numberless and complicated details it involves, that I ask for the assistance of a Royal Commission of Inquiry. There are not a few who think that I am asking for what will greatly obstruct and possibly ruin my own object. There are many more who fancy I am seeking knowledge with a view merely to destructive ends. Sir, I do but ask an increase of light, fully content to leave to the determination of the future whether, and to what extent, its effect will be favourable or unfavourable to the views I entertain, and fully convinced that the widest knowledge of facts can do no harm to what is true in itself.

Mr. LEATHAM: In rising, Sir, to second the Motion of my hon. Friend, it seems to me that it is quite premature to go at any length into the arguments by which a State Church is defended or assailed, because the terms of my hon. Friend's Motion include no reference to this question. And if it be contended that my hon. Friend has not concealed his object in asking for this Commission, I would reply that even if my hon. Friend's Motion be carried, and this Commission appointed, the relations between the Church and the State will remain unchanged. All that we shall have gained will be information which will be equally at the service of both the assailants and the defenders of a State Church—and surely it will argue great want of confidence in the position of the Church and the defensibility of that position if hon. Members should oppose a Motion which does not bind the House in the least degree, and only prays for more light. I rise, therefore, Sir, less with the view of combating by anticipation speeches like those which possibly we may hear to-night from that side of the House, than of endeavouring still further to illustrate and enforce the demand of my hon. Friend by a reference to the nature, amount, and application of a certain description of Church property to which my hon. Friend has scarcely referred, but the barest mention of which is calculated to suggest good *primâ facie* grounds for this inquiry—I mean, Sir, what is called cathedral property. Now, ever since the Reformation, the management of capitular estates has been more or less scandalously wasteful, the exercise of Cathedral patronage more or less impure, and the amount of work done in return for immense disbursements more or less absurdly inadequate. But, Sir, it is no part of my intention to dwell upon the abuses and scandals of the past. I shall have quite enough to do during the course of the few remarks to which I may reasonably hope that the House will extend its indulgence, in sketching those of the present; for, Sir; it is a lamentable fact, that in spite of all our cry for cathedral reform, in spite of Acts of Parliament innumerable, in spite of Commissions sitting for two years and a-half at a time, what is called the cathedral question is as urgent and as ugly as ever it was. And in making this remark, I wish myself clearly to be understood not to say that the abuses and scandals are in themselves as flagrant as once they were; but that viewed in relation to a higher tone of public morality, a deeper sense of the claims of religion upon presumably religious corporations, and a sterner condemnation of ecclesiastical nepotism, idleness, and avarice, the present aspect of our cathedral system is as full of humiliation for the Church as in those days when every vice which flourished under it was veiled and obscured by a denser if not fouler atmosphere of public opinion. Now, before I go further, let me remind the House what the value of this property really is. The last published Returns to which I have had access of the revenue of capitular corporations are contained in the Report and Appendix of the Cathedral Commission. They amounted in 1852 to upwards of £300,000 a-year, and the fee-simple of this property is valued at £16,000,000 sterling. A considerable portion of these revenues is derived from what are called the appropriate rectories. The annual value of the appropriations of 23 chapters in 1852 was £266,000; the value of the vicarages and perpetual curacies was £130,000, so that the final appropriations of the chapters amounted to £136,000. The result of this system in many cases is to produce great hardship to the working clergy. Thus the tithes of Caddington amount to £1,036, and the value of the living to £233; the tithes of Willesden to £1,281, and the endowment of the living to £168; while the tithes of Kingsbury are £681, and the living is endowed with only £89. But to return to the gross income of the chapters, which, in 1852, amounted to more than £300,000. More than half of it—namely, £160,000—went in a lump as stipends to Deans and Canons; £40,000 more to other officers and members, and for pensions; and bear in mind that, in addition to their stipends, Deans and Canons are in possession of some of the richest preferments of the Church. The chapter patronage in 1852 amounted to £169,000 per annum, and when the Cathedral Commission put this query to the chapters—"What is the practice of the chapters with respect to the nomination or appointment to benefices in the patronage of the chapters?"—in the vast majority of instances the reply was—"Members recommend and appoint in fixed rotation either to themselves or their nominees." Now, what do we get in return for all these disbursements? What does the Dean do for his £1,000 to £3,000 a-year? and what do the Canons do for their £500 to £1,000, amply supplemented by other preferments? I will not take external evidence. It shall be all drawn from the bosom of the Church—indeed, from the bosom of the chapters. What does Dean Alford say? Speaking of the office of Dean, in his reply to the circular of the Archbishops, to which I shall presently refer, he says—

> "That office is in many of our cathedrals practically useless. The Dean, while nominally the head of the cathedral body, is almost without employment. His power even to preach above his statutable three or more times in the year is called in question."

The Bishop of St. David's, when examined before the Commission, said—

> "The time seems to me not far distant when it will be difficult to discover any function proper to a Dean which might not be as conveniently exercised by a Bishop residing close to a cathedral."

And when the then Bishop of Carlisle was asked what objection there was to throwing the duties of the Deans upon the Bishops, all the reply which he should make was, "If the office of Bishop and Dean should be united it would be a confession that one of them was unnecessary." Now for the Canons. The usual number of Canons attached to a cathedral is four—four men to do the work of one. Suppose any hon. Gentleman was to arrange for the management of his estate on this principle, and was to appoint four stewards, each to reside on the estate for three months out of the 12. The whole system is preposterous and indefensible. Why, the hon.

Member for the University of Cambridge (Mr. B. Hope), in a speech at the Church Congress at Liverpool in 1869, speaks of the Canons as "Canons with no definite duties." And in a speech immediately preceding that of the hon. Gentleman, Canon Trevor, of York, thus described the Canon residentiary—

> "This poor Canon in residence has lately been described by an eminent dignitary of the Church as a man who receives £1,000 a-year for doing nothing but eating white soup. Now, in the first place, there are very few Canons in England who get £1,000 a-year; and, in the next place, I take it upon myself to say that a great deal more than white soup is eaten by all the Canons in England. It is possible, indeed," he goes on to say, "that the Archdeacon was speaking figuratively, and meant to describe the quality of the spiritual food which Canons in residence imbibe or distribute to the people around them, and, if that is the case, I am afraid I cannot correct him, because, as far as my impression goes, Canons in residence have no spiritual duties at all. In the Cathedral of York there was one sermon in the year to be preached by the four residentiaries among them; but Her Majesty, with a gracious and singular consideration for the burthens of the clergy, has abolished the anniversary on which that sermon was preached, and that duty no longer exists.'

But, Sir, I may be told that, although the Canons have no spiritual duties and the Dean is a sinecurist, yet, that these offices are useful, however expensive, because they afford a calm and dignified retreat for men actively engaged in theological studies, and preparing works beneficial to the Church and to the world. Again, I go to a Dean for the reply—

> "Take a circuit," replies Dean Close, "through the whole canonical bodies, and how many Canons will you find thus occupied? or where can you find one whose patron selected him for such a purpose? No, the truth must be told: as long as canonries are practically sinecures, tenable with the richest rectories and other preferments, the temptation is, and will be, too strong for the virtue of patrons, who will prefer kindred and friends and interest to all the claims of men of learning, whether old or young. Talk of learning, science, scholarship, contemplation, and a hundred other imaginary qualifications for deaneries and canonries. The one only qualification in past times has been a name, and that the name of the Bishop of the diocese."

But we were paying Deans and Canons £160,000 a-year in order that we might present a working model always going of what public worship ought to be—which is open to inspection at all times so that our parish churches may form their services upon it—

> "You have," said the hon. Gentleman the Member for the University—"you have the stated, ever-recurring worship of Almighty God unstimulated by any extraordinary spasmodic incident."

But Dr. Sebastian Wesley, of Winchester Cathedral, an eminent composer and organist, in the evidence which he gave before the Commission, stated that—

> "He had often heard cathedral service so performed as to suggest the idea that it were better to abolish music than to continue the abuse of so beautiful an art on occasion of any direct appeal to the Deity."

But we are told that the cathedral is the musical school of the diocese. He goes on to say—

> "The fact, I think, of music in all its importance at cathedrals being essentially under the guidance of capitular bodies is enough to account for the deficiency for which the cathedral service is remarkable."

And I maintain that the working model of Divine worship is not attractive—and that you cannot get the public to inspect it. When my right hon. Friend the Member for Liskeard (Mr. Horsman) brought forward his Motion on cathedrals many years ago, he took the pains to ascertain the average attendance at morning and evening service on weekdays in our cathedrals. He found that at Durham the congregation numbered 18, and the officials 33; at Peterborough 7, and the officials 12; at Lincoln 8, and the officials 24, and so forth. Nor have we any reason to suppose that things are much better now, when the Dean of Manchester in his reply to the Archbishops seems to think it matter for encouragement and congratulation that out of a population of 500,000 you have achieved the marvellous feat of collecting some 15 or 20 persons at morning and evening prayer to attend "the stated ever-recurring worship of Almighty God, unstimulated by any extraordinary spasmodic effort." But, having failed to draw the people, you tell us now that these services are held less for the "edification of man" than for "the glory of God." Is God glorified by a beggarly array of empty benches? And, if this be the spectacle in our huge cities, what must it be where the cathedral is situated either in a wilderness, like St. David's, or in a paltry little town like Ely or Lichfield, with the population of a second-rate Yorkshire village?—

> "Unfortunately," says the Dean of Ely, "population is locomotive and cathedrals are not. If I could, by the help of the *Great Eastern* steamship or Great Eastern Railway, set down Ely Cathedral in the midst of Liverpool, no doubt I

> could answer certain questions concerning the usefulness of that noble building in a more complete manner than I can now, but," he adds pathetically, "cathedrals will not march."

Quite right, Mr. Dean, "cathedrals will not march." They never have marched, and march they never will, to the end of the chapter. If any hon. Member doubts that, let him peruse a correspondence lately presented to the House—*Copy of Suggestions drawn up by Cathedral Bodies for the improvement of Cathedral Establishments.* Alarmed, no doubt, by the cry for cathedral reform, and the fact that, although the Cathedral Commission, after sitting two years and a-half, reported—now 19 years ago—and not a single one of the suggestions which they made has been adopted, the Archbishops addressed a circular letter to the Deans, asking for the suggestion of any change which they might consider important. And what were the replies? Half the Deans appear to have returned no reply whatever, or, at all events, these replies were deemed wholly unfit for publication, for they find no place in this Return. But let us look to the replies which were vouchsafed. Canterbury recommends the abolition of the present capitular system. Whereupon the Canons, in a great fright, feel bound to inform the Archbishop that the Dean's views "are not to be regarded as the views of the Deans' brethren." Then comes the Dean of Carlisle, recommending that the number of Canons should be reduced, and the Dean of Chester, explaining why he thinks "some decisive handling of the subject by authority is urgently required." Then we come to the Dean of Durham, who says quite cheerfully—

> "We have held our chapter, and in direct reply to your Grace's inquiries, I beg leave to say that I cannot suggest any change which I consider as of great importance to the cathedral over which I preside; and that all my brethren of the chapter, except one whom I have not been able to consult, regard the subject in the same light."

I have no doubt they do. In 1852 the revenues of the chapter were £57,800, and in 1857 they had increased to £81,000. The Dean receives £3,000, and the Canons £1,000 a-piece. Durham exhibits a fine illustration of a cathedral establishment full-blown. In 1852 it consisted of the Dean, 9 Canons, 1 sub-Dean, 6 minor Canons, 10 singing-men, 2 masters of the choristers, 10 choristers, 5 supernumeraries, 4 teachers of boys in the grammar school, 18 scholars in the same school, 8 poor men (not Canons), 30 poor women called Church widows, 2 vergers, 8 bell-ringers, 8 sub-vergers, 1 porter, 1 cook, a receiver, a deputy receiver, a treasurer, a deputy-treasurer, a precentor, a sacrist, an organist, a librarian, a clerk of the works, a bailiff, a land agent, a colliery agent, an agent for special estates, a constable, a gardener, a woodman; in all, 149. Durham is perfectly contented, and has no change to suggest to the Archbishops. Then comes Gloucester. Gloucester is bold; he says—

> "No injury would result to the Church or city if three out of the four Canons were suspended."

I pass on to Ely, Sir. Ely says that he—

> "Should exceedingly deprecate any further cutting down of our cathedral establishments."

Now, Ely consists of two parishes, one of 2,000 and the other of 4,000 inhabitants. Ely, we may remember, "does not march," and the revenues of Ely are £16,214. Those of Exeter are £11,431, and Exeter is for no change. Llandaff informs us—

> "There is no record of any residence having been kept by the Canons until 1857, and there had been for the last 100 years and more no organ in the cathedral, and no attempt at choral services, while half the building had been for more than a century in utter ruin."

Manchester is all for more Canons. When we get to Norwich we are confronted by an extract from *Il Penseroso*, and a homily on the value of monastic institutions, a recommendation to leave things pretty much as they are, and that every Dean and Cannon should emit once in five years some contribution to theological literature—I pity theological literature. St. Asaph advises a reduction in the number of Canons. Peterborough and St. Paul's deprecate earnestly any such thing. York recommends permanent residence; and at Rochester the Dean is too old to recommend anything. Now, I will ask any candid Churchman in the House whether he hopes anything from this correspondence—or whether it is not manifest that the cathedrals will not march? In fact, the Rev. Mr. Ryle says—representing as he does one of that bundle of sects which collectively we call the Church of England—

> "Cathedral establishments are like a ship which has run aground at high water in a spring-tide. The tide has left her. She will never float again. Their theory has clean broken down; the public has lost faith in them. The facts of

three centuries of working are dead against them. Their occupation is gone. They are past mending and patching up."

But they swallow up the proceeds of a huge mass of public property, and if I had not addressed the House at such length, I should have liked to have said a few words with reference to the incredible avarice of these corporations. Through their system of fines and leasing, it is calculated that they have sacrificed three-fourths of the value of the estates under their charge. Now, Sir, we maintain that all this calls aloud for inquiry. You have enormous revenues—and revenues which but for the avarice of those who have enjoyed them would have been more enormous still —diverted from the purposes for which they were intended into the pockets of sinecurists and pluralists. You have no adequate return whatever for these immense disbursements.

> "I will defy anyone to put his finger on any one of our cathedrals since the time of St. Augustine that has contributed largely to evangelization."

These are not my words, but Lord Harrowby's. "What is the use of a cathedral?" says the Bishop of Peterborough. "Principally to cultivate Canons and to grow vergers." Now all this property, as the present Attorney General says—

> "Has been given and taken subject to State control, on State terms, upon conditions laid down from time to time by the State, and liable to be altered by the power which has laid it down."

All this property—every penny of it—we claim as national property. It was all acquired by the Church as a national institution. The Church was then, and is now, "the nation ecclesiastically considered." Lord Eldon said—

> "I know no difference as to the persons of whom they are composed between the Church and the State. The Church is the State and the State is the Church."

The State, therefore, has a perfect right to inquire into the application of these, and all other revenues of the Church, and if need be to resume them. My hon. Friend has a perfect right to initiate, if he can, that inquiry. He has stated the grounds upon which he desires to do so. In dealing with one branch alone of this question, I have endeavoured still further to strengthen his *primâ facie* case. The evidence which I have adduced has been brought from Church sources alone. Not a word have I quoted from the lips of those enemies of all that is good—the political Dissenters. But it is as a political Dissenter that I speak. I am not ashamed of the title. I would give little for the politics of the man whose religion was not at the bottom of them. I think I should be ashamed if I belonged to a religious community in which scandals like those to which I have referred were permitted quietly to continue. I think I should be still more ashamed if belonging to that religious community, and with these scandals before my eyes, I could resist this inquiry on the ground that it would prove damaging and dangerous to my Church. Sir, if the Church of England is to retain her position of supremacy, she must be prepared to meet fearlessly and cheerfully all such inquiries as this. I will go a step further and say, if in a country in which all men are presumed to be equal before the law, one form of religious belief and one system of Church government are to be exalted in perpetuity at the expense and to the disparagement of all the rest, the Church must be prepared to prove that these scandals are but accidents—accidents to be deplored, but still accidents—and not, as we contend, the necessary offspring of that embrace of the Church by the State, the disastrous character of which it will be our object and our duty hereafter to expose.

Motion made, and Question proposed,

> "That an humble Address be presented to Her Majesty, praying Her Majesty that by means of a Royal Commission full and accurate particulars may be procured of the origin, nature, amount, and application of any property and revenues appropriated to the use of the Church of England."—(*Mr. Miall.*)

MR. T. HUGHES moved, as an Amendment, to leave out the words "the use of the Church of England," and insert—

> "Any ecclesiastical purposes, and that such Commission may be instructed to consider what re-arrangements in the system of parochial benefices may be needed for the better adjustment of parishes and incomes in the Church of England, and what amendments may be made in the Laws relating to the patronage of benefices."

The hon. Gentleman said, he felt the truth of much that had been stated by the hon. Member for Bradford (Mr. Miall); but took issue as to his object.

The hon. Member wanted the inquiry as a step to disestablishment, while he (Mr. Hughes) wanted it as a step to reform. Now, if the Amendment which he (Mr. Hughes) proposed were adopted, so far from thinking that it would lead to the disestablishment of the Church, he was sure that it would operate in the opposite direction. He must congratulate the hon. Member for Bradford on the tone in which he had made his Motion, but he could not say the same of the manner in which the hon. Member who seconded it (Mr. Leatham) had addressed himself to this subject; for while the Motion was for an inquiry into the property and revenues of the Church of England, the Seconder of it had simply abused the Deans and Canons of the Church. ["No, no!"] He had attacked the cathedral establishments as though nothing had ever been done to reform them, whereas, so far as episcopal and capitular estates were concerned, the information asked for by the hon. Member was already at his disposal. ["No, no!"] Then the hon. Member had never studied the Reports of the Ecclesiastical Commissioners, in which he could obtain all he asked for. But the fact remained that the real question intended to be put in issue by this Motion was, whether the severance of the Church from the State would be an advantage to the nation; and what he had to submit was that, if the House was of opinion that such a union was for the good of the nation, then the House ought to agree to the Amendment he proposed. The ground upon which the demand for the severance of the Church from the State was based was that the sole duty of the State was the preservation of body and goods. But that was a theory which would not hold water. Most of them had accepted it at one time, but practical public life soon proved it to be a mere theory which would not work. He asked the House to consider the number of subjects with which in every Session they had to deal which made it quite out of the question to hold the doctrine that the State had nothing to do except to preserve bodies and goods. Were they going to give up the question of education, and the dealing with the marriage laws, or any laws which had for their object the improvement of the morals of the people? Unless they were prepared to do so, it was clear that the State must go beyond the mere protection of bodies and goods. How could it be contended that the entire separation of the Church from the State could be for the good of the nation? He held that the real duty of the State was to build up a wise and understanding nation, leaving voluntary action to do all it could, but stepping in whenever something was necessary for the good of the people which voluntaryism could not do for them. It was surely for the good of the nation that the ordinances and ministrations of religion should be brought home to every citizen. The Established Church did this: it gave free worship to everyone who wanted it, in every parish in the kingdom, while those who did not want it need not take it. Voluntaryism could not do this. For 30 years past voluntaryism had been going backwards, while the Church had been going forward. ["Question!"] The hon. Member for Huddersfield (Mr. Leatham) cried "Question!" The hon. Gentleman had availed himself of the opportunity of making a bitter attack on the dignitaries of cathedrals; and surely he would allow an hon. Member to criticize the denominations in no unfriendly spirit, and to say that voluntaryism was inadequate to the demand which it sought to supply. According to the Census of 1851, there were, between the years 1841-50, 5,810 chapels licensed to different denominations in this country. Of these, 1,413, or 25 per cent, had actually disappeared in 1851. By a Return moved for in this House on the 12th May, 1870, he found that between 1851-70, no fewer than 2,401 more Dissenters' licensed chapels had disappeared. [*A laugh.*] An hon. Gentleman laughed, though the fact was a strong one, because it showed that such a system could not well bring the ordinary ministrations of religion to the door of every citizen. In *The Baptist Year Book* for 1872, he found it stated that one-fourth of the existing Baptist chapels were without ministers, while in another fourth the services, which were held only on Sundays, were conducted by persons who on other days were engaged in business. On the showing, therefore, of the community itself, in one-half the existing Baptist chapels there were not the ordinary and proper ministrations of religion, and the congregations had to depend on the casual services of some of their own members. The reason for this state of things was that voluntaryism must follow the purse, and could not do work in the poor quarters of great cities, as was admitted by Mr. Spurgeon in 1861, when he said it was of no use to try to establish chapels in certain places, because they were poor. But if voluntaryism could not provide the ministrations of religion in the poorest quarters—by far the most important work which churches had to perform—he asked whether the Church did not do that? He not only maintained that it did, but he also asserted that there was no agency which could do so except a body which was in some way connected with the State, and independent of chance support. If the State connection were so great a disadvantage to the Church, as the hon. Member for Bradford contended, how was it that the sects had not overtaken the Church in this work? If, on the other hand, it were an advantage, why should they remove that which must be admitted to be good for this country? Those who advocated disestablishment said that their wish was to bring about equality and freedom. As to freedom, they had that surely already. There was no Nonconformist body in the country of which the members could not hold and preach any opinions they pleased; and as to equality, it seemed to him that they had perfect equality for all purposes, except for those wretched purposes connected with precedence in which he was sure they would be the last persons to feel strongly. They should have his help always in obtaining perfect equality in the Universities, or in asserting their right to bury their dead in the national churchyards, but not in merely pulling down an institution as old as the monarchy from mere motives of jealousy. The real difference between the Established Church and the Nonconformists was that the sects must necessarily be narrow, while the Church must be broad. The last illustration of this might be seen in the comments which were made at the recent Baptist general meeting respecting the judgment of the Privy Council in the case of Mr. Bennett, when it was resolved by that body that—"They dare not suffer themselves to be comprehended in a Church which saps the spiritual life by receiving maintenance from the State." For his part, he was at a loss to conceive how the spiritual life could be sapped by receiving State maintenance, as the endowments of the Church of England were called, any more than by receiving maintenance, as most voluntary bodies did, from John Smith, the great grocer, or other rich persons belonging to a particular congregation. The General Baptists went on to observe that the mechanical connection of the Church with the State was rendered all the more unbearable by a judgment which declared that the English Church was Romanist as well as Rationalist. [*Cheers.*] He was prepared for that cheer. According to the views of those who supported the hon. Member for Bradford (Mr. Miall), it was desirable that a religious body should have some particular Shibboleth, and that a man should have to exercise an act of volition and make a profession of faith to get into that body; but what most commended the Church of England to him was, that an Englishman had to exercise the act of volition to get out of it. While the Church of England did much for the poor classes, it did quite as much for the intellectual. He put it to hon. Members, how many of them could have obtained admission to any Nonconformist body after they had come to years of discretion. For himself, he could certainly say that, if he did not belong to the Church of England, there was not any other religious body in this country that would admit him as one of its members. That the Church of England contained everything—from a Romanist to a Rationalist—was precisely the great argument for a National Church, the only test for membership in which should be a common worship. His hon. Friend thought it a great thing to belong to a small sect, a separate body; but he considered it a greater thing to belong to a body which could admit men of different opinions within its fold. The best thing to which an Established Church could be likened was a wood, where all the trees were allowed to belong to the wood; but his hon. Friend, he supposed, would think it better that the trees should be all separated into oak trees, elm trees, and birch trees, and the like. But, to take another argument, had his hon. Friend the Member for Bradford considered the importance of the tremendous step he was wishing to take in cutting such a body as the Church of England free from State control. By the last Report of the Ecclesiastical Commission the revenues of the capitular estates—which the Ecclesiastical Commissioners had to deal with at present—in 1872 amounted to £1,255,000. Now, of that sum it was proposed in the present year to apply no less than £300,000 in permanent augmentation of poor livings, to meet equal sums subscribed from non-ecclesiastical sources. And it was not only in the present year that the sum of £300,000 was to be so applied. For years past sums of like amount had been applied to like purposes. This represented by itself a power in the country which ought not to be taken from under the control of Parliament. Besides the sums subscribed in this way and applied to these purposes, there were funds amounting in the whole to £1,250,000 yearly, which, simply out of the episcopal incomes of this country, were available for the religious work of the country. But in addition to that, the other revenues of the Church from all sources amounted to more than £10,000,000 a-year, according to an estimate given in detail by one of the Church Unions, and apparently founded on careful inquiry. Now, was his hon. Friend prepared to say that he was willing to allow an independent corporation, dealing with such income and resources as these, which was connected in all manner of ways with the life and institutions of this country, with almost every family in the country, to be cut entirely free from the control of this House, and put—as it would very soon be—under the power of ecclesiastically-minded persons in this country? He could not conceive any greater misfortune. Such a body would be far too powerful. His hon. Friend would, no doubt, say that he proposed to take away a great part of this property—at any rate, all endowments which were given before the Toleration Act. But taking out the glebe and tithes and other property which belonged to the Church before the Toleration Act, it would be found that that portion of it which arose before the Act of Toleration amounted to scarcely £2,000,000. This question was now agitating all the nations of Europe, and he believed that if in Germany, Italy, or Spain there existed a body like the Church of England, able, with proper reforms, to meet all the spiritual destitution of the country, and yet so completely under the control of the State as the Church of England was at present, such a solution would be eagerly accepted as an escape from the evils which were distracting European statesmen. Despairing of their finding anything like so good a solution, he asked the House to accede to the proposed inquiry, but to do so as a step, not to disestablishment, but to reform. While the Ecclesiastical Commissioners gave full details as to episcopal and capitular revenues, it was impossible to get similar information as to parochial estates and other property. In the Church of England there were many benefices in which there was work and no pay; more than 2,000 in which there was pay and no work; and a very considerable number—1,200 or 1,400—in which there was neither pay nor work. Upon these points his hon. Friend who seconded his Amendment would dwell in detail. It was perfectly clear that some such inquiry as that now asked for ought to issue, and a Royal Commission was the proper way in which such an inquiry should be taken. The object of his Amendment was to clear up the present anomalies as to patronage in the Church, and to strengthen the foundations of the Establishment.

Mr. WELBY, in seconding the Amendment, said, he would confine himself strictly to the subject-matter of it, and only remind the House, with regard to the Motion of the hon. Member for Bradford, that it stood for weeks upon the Notice Paper with the words "Disestablishment and Disendowment" at the end of it. However vaguely and cautiously it was worded now, it had been admitted in the debate that those were still its real aims, and he felt confident that the House would reject a Motion which was purely destructive, and the more emphatically because it was no longer, as at first, a fair and straightforward attack on the Church of England. With regard to the Amendment, it was in no hostile spirit, with no view of what is called carrying the war into the enemy's country, or of depriving any denomination of one shilling of endowment that now belonged to them, but simply with a view to completeness, that he (Mr. Welby) asked for an inquiry to be extended to other bodies. He held it to be the bounden duty of Churchmen to defend their Church against attack, and should always be ready to assist in so doing; but he did not think that she should return blow for blow, or act in a hostile or aggressive spirit towards anyone. If he had thought the Amendment conceived in such a spirit, he should not be seconding it. His only desire was to strengthen and improve the Church of England, leaving others alone to compete with her after their own fashion if they could; and he hoped that what he and the hon. and learned Member for Frome (Mr. T. Hughes) had said would prove that it was with that object alone that they asked for an attempt to be made to discover some means whereby, consistently with justice to all parties, and full regard for the rights of property, some at least of the anomalies and abuses which admittedly exist in connection with the temporalities of the Church might be rectified, and the incomes of the parochial clergy be to some extent more closely adjusted to their labour and the social position they had to maintain. To both the reforms specially indicated in the Amendment—re-arrangements in the parochial system, and amendments of the law of patronage—the difficulty of dealing with livings in private gift always had been and would be the chief obstacle. Public livings could be more easily and effectually dealt with, and were not so liable to abuse; but with private ones the variety and magnitude of the interests involved might seem to offer an insuperable bar to legislation, while to some minds the very notion of tampering with them might appear dangerous and revolutionary. Yet no good Churchman would deny that, with the limitation he had mentioned, some reform was desirable. Speaking first of re-arrangement, he (Mr. Welby) was far from holding out the curtailment of wealthy benefices as a thing in itself to be wished for. Very few of the clergy were really overpaid, and their profession, like others, ought to have prizes apart from the dignities of the Church, if only for the sake of avoiding increased pressure and competition for those dignities. Nor did he wish to separate the clergy from the land, or place them in the position of State annuitants. Therefore he considered any general process of equalization of benefices inexpedient and impracticable. But supposing we were at liberty to do what we liked, unfettered by private interests, great good might be effected by simple and easy re-arrangements, especially in the rural districts. We had already means of sub-dividing large and populous parishes, and in the metropolis of consolidating small ones, and transferring the superfluity of their incomes, if any; but in the country we constantly saw large parishes with small endowments lying close to small parishes with large ones, and groups of little villages on each of which a clergyman was compelled to reside with poor pay and little to do, while two or three of them might perfectly be served by one incumbent, more so than ever now that we are to have shortened services, and the united incomes would then be adequate without being excessive. This suggestion, no doubt, was rather contrary to the spirit of the Pluralities Acts, but, valuable and important as those Acts had been, he thought that, in this respect, they had done their work almost too well, and might advantageously be relaxed in some of their provisions; that, for instance, which required that when two benefices were held together one of them must be worth less than £100 a-year. He wished, too, to see some impetus given to the consolidation of benefices in such cases beyond the metropolis. The Commissioners of 1835 had recommended more precise and definite legislation on this subject. The Pluralities Acts had done something, but were too purely permissive. He would not venture to suggest how, but he thought there ought to be some direction to the Bishop to take the initiative in cases where he thought union desirable, but found the patrons disinclined to move in the matter. Such action by a third party was frequently all that was required. The other great road by which some approach to equalization might be attained was to leave geographical boundaries intact, and to tax the wealthier benefices for the benefit of the poorer. This idea was at least as old as Queen Anne; the principle was already in operation in the City of London, and Convocation had from time to time recommended its more general adoption. Although, as he had said, very few clergymen were really overpaid, there were, no doubt, a certain number of livings which, apart from all considerations of private property, might very well be called upon to contribute something to the augmentation of the poorer ones, of which there were a very large number indeed. Strange as it might seem, there were no trustworthy general returns of later date than 1835, and this, he thought, was in itself a strong argument for inquiry. But in that year the Church Commissioners reported that out of 10,478 benefices, 6,861, nearly equal to two-thirds, were worth less than £300 per annum, while only 1,461, or one-seventh, were worth £500 or upwards, and 507, or one-twentieth, £750 or more. He (Mr. Welby) did not give the numbers between £300 and £500, because he did not agree in the notion that £300 per annum was wealth to a clergyman. The popution returns of 1835 were now valueless; and no doubt since then much change had been effected in incomes by tithe commutation, sub-divisions and charges on larger benefices, and grants by Ecclesiastical Commissioners, and from private sources, which two last alone amounted to between £400,000 to £500,000 per annum. But *The Times* of September 4, 1867, stated that there were then 12,888 benefices; 6,403 being in private patronage and saleable; 6,485, including most of the populous parishes, public and unsaleable; and some tables with which he had been favoured, carefully compiled from *The Clergy List*, gave 2,550 as having less than 300 population, while 4,441 were under £200 annual value. In the diocese of Lincoln it appeared from *The Diocesan Calendar*, that there were now, out of 807 benefices, 60 worth £750 or more, and 166 worth £500 or more. Among these were several of the principal towns where large deductions must be made for curates, charities, and so on. But there were 440, or more than half the whole, not over £300 a-year, about 230 not over £200, and 70 or 80 not over £100; while 287 were under 300 population, 176 under 200, and 52 under 100, these being, in many cases, not identical with the poorly endowed ones. If the figures given were at all accurate, and Lincoln a fair sample of other dioceses—which, as it comprised one purely agricultural, and one partly agricultural, partly manufacturing county, it probably would be—it seemed to follow that things were not really much better now than in 1835, that the revenues of the Church of England were not so well distributed as they might be; and that, however well distributed, they were really insufficient to make permanent provision even for her present wants, which were rapidly increasing. Much of the failure of the Church to reach the masses in our large towns was attributable, not to want of will or of funds to build new churches, but to the difficulty of securing a permanent maintenance for the clergy. The history of the Welsh Church at Cardiff gave an instance in point the other day. These facts showed the necessity of an attempt to remedy the evil. We now insisted on the clergy doing their work, and we were therefore bound to provide them with adequate means, so far as we could. No doubt there were Acts now in existence by which much might be done. Lay impropriations of tithes might be restored, poor benefices might be united or augmented within certain limits, and even a portion of the endowments of one living transferred to another in the gift of the same patron, with his consent; but what between ignorance, apathy, disinclination, and the clash of conflicting interests, these Acts remain to a great extent a dead letter, and fail to exercise any appreciable influence on the great mass of clerical poverty. Even Queen Anne's Bounty, which was granted for the express relief of the poorer livings, was often a burden to them, owing to the First Fruits and Tenths being levied on the obsolete valuation of the King's Book, under which livings now worth a mere trifle paid £30 or £40 First Fruits, and £3 or £4 a-year tenths, while others worth £1,500 a-year got off for a few shillings. That valuation had been condemned 35 years ago by a Committee of the House, which had also recommended a "moderate and graduated impost" on the richer livings, so that there was high Parliamentary authority for the present proposal. On the subject of patronage, he (Mr. Welby) would only say that he believed lay patronage to be one of the greatest bulwarks of the Church of England, and that the abuses in the exercise of it had passed their climax, and were rapidly declining, because patrons recognized more and more every year that the appointment to the cure of souls was a sacred and honourable trust, to be exercised for the benefit of the parishioners; but he considered that any well-devised scheme for accelerating this diminution, and perhaps eventually putting an end to the abuses altogether, would confer an essential benefit on the Church. These were grounds on which he thought the proposal for a Commission might be defended. He would not go into the possible objections, except two. He had been told that such an inquiry would be dangerous to the Church, as it would tabulate and show up her weak places. To that he replied that he did not fear the light of day for the Church of England, but courted it. There was plenty of information available already in Clergy Lists, Directories, Diocesan Calendars, and the like, from which sensational statements could be compiled; and it was far better to have the whole truth set forth in a complete and authoritative form than a portion of it drawn from incorrect sources, and then perhaps exaggerated and distorted. The result of inquiry would be to show that the Church of England, instead of being in possession of property to which she had no right, had been deprived of very much to which she had a right; and that, instead of her having a superabundance of wealth, the cases of individual superfluity among her clergy, taking the present value of money into consideration, were extremely rare, and that, taken as a whole, there was no superfluity in her revenues whatever. The other objection was the impossibility of interfering with private property without injustice. That might be insuperable, but to raise it now was to beg the whole question, the object of inquiry being to ascertain the possibility of thus acting. If, in conclusion, he had advocated a course which might seem rash and unwise to some, he had not done so without consideration. He held the maintenance of the State Establishment to be not merely a question of comparative advantage and expediency, but one of vital importance to the nation; because disestablishment meant, not the substitution of some other system or expression of national religion for the present one, but the severance of religion altogether from the national life. He felt that it would be impossible, even if it were prudent, to go on much longer, simply letting things alone, and the Church had far better deal with these matters herself, than leave them to ruder and hostile hands; and it was with a strong conviction that an amendment of the laws of patronage and a better distribution of the revenues of the Church, would extend her just influence, and promote the interests of true religion, to which consideration all others ought to be subordinated, that he seconded the Amendment of the hon. and learned Member for Frome.

Amendment proposed,

To leave out the words "the use of the Church of England," in order to add the words "any ecclesiastical purposes, and that such Commission may be instructed to consider what re-arrangements in the system of parochial benefices may be needed for the better adjustment of parishes and incomes in the Church of England, and what amendments may be made in the Laws relating to the patronage of benefices,"—(*Mr. Thomas Hughes*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ILLINGWORTH: Sir, in rising to say a few words in support of the original Resolution before the House, I would begin by remarking that it is admitted on all hands that the National Church of this country is under the control of the State. ["No, no!"] That, at any rate, has been the assumption to-night, and it has been generally held that this Parliament is supreme in everything connected with the Church, so far as the management of its property is concerned, and the arrangement of its ritual, its dogmas, and doctrines; with respect to all these matters this House must be appealed to. I need only refer to the numerous Ecclesiastical Bills which are continually coming up in this and the other House of Parliament to prove that a great obligation is thrown upon our Legislature in dealing with the State-Church and her interests. I wish, before proceeding further, to answer a question put by the hon. and learned Member for Frome (Mr. T. Hughes), as to whether it would be prudent to allow an organization immensely rich—in possession of revenues, as he says, of over £10,000,000 a-year—to become free from State control? Now, Sir, this House has a great respect for precedent, and my hon. and learned Friend must surely have forgotten the precedent established in the case of the Irish Church. Does anybody suppose that the disestablished Episcopal Church in Ireland is a danger to the State in its new position? I venture to tell my hon. and learned Friend that that Church is relatively richer today than the Church of England would be if disestablished to-day. I would wish to point out to him another consideration—namely, that a Church is not powerful, is not influential in proportion to its wealth, but almost in spite of pecuniary power. If it has thorough confidence in the justness of its own position, and in the truthfulness of its foundation, in that way, and by that means, it will make headway in the world. Wealth, Sir, in itself is rather an encumbrance to a religious institution than an advantage. I would ask my hon. and learned Friend to look at the very first century of the Christian era. Was the Church in possession of wealth then? Yet when was it so powerful? Where is the authority for supposing that the English Church without these immense revenues would not be capable of doing much more work, and better, than at the present time? Now, Sir, reference has been made to the parochial system in this country, and my hon. and learned Friend has stated that without the Established Church it would be impossible to provide for the religious wants of the people; but so far as the large towns are concerned, my hon. and learned Friend must admit the parochial system has utterly broken down. ["No, no!"] Take any town that has a church or churches beyond the parish church, and I ask how have these new churches been established? In this House there are many Gentlemen of whom it may be said that they themselves have built and endowed churches. The hon. Member for the West Riding, the hon. Member for Halifax, and the right hon. Member for Oxford University, whom I might also claim as a Yorkshireman, have by their action in this direction shown the utter unfitness and inefficiency of the parochial system. They have themselves adopted the voluntary system in subscribing money out of their own pockets in building and endowing these churches. We are told the Church Establishment must rest its case upon the agricultural districts. Now, in the face of facts which may be easily adduced, I think it is dangerous to rest the case of the Established Church upon this narrow ground. I might illustrate my position for a moment by referring to the case of Wales. My hon. Friend the Member for Merthyr Tydvil (Mr. Richard) has stated facts again and again, showing that the Principality of Wales is completely provided with places of worship—provided as fully as any other part of the United Kingdom; and that those places have been provided by the voluntary principle. This no one will deny, and it is a most significant fact that it is out of the poverty of the Welsh people that this creation has come. But I need not confine myself to Wales, for that was even the case with Scotland. Will anyone say that at this moment the force and vitality of Christianity in Scotland is exhibited in the Church Establishment there? There are, we know, national endowments in Scotland; but I assert fearlessly that the zeal and energy of modern Christianity in dealing with the religious wants of the Scotch people have come from the Dissenting branches of the Presbyterian body. I go further and ask the patience of the House whilst for a few moments I refer to America. We are told, upon authority which cannot be questioned, that so far as the places of worship are concerned, the United States are amply provided with sittings for all who are able to enter those places of worship, let them be what they may. I do say, then, it cannot be said with truth that the voluntary principle has failed either in this country or in the United States of America, where it has been fully tried. When my hon. and learned Friend refers to the Baptists and other Dissenting bodies, and asks whether they alone in their poverty have been able to meet the religious wants of this country, I reply at once—"No, they have not," nor is it to be expected that they should; but to that reply I will add this—that if the Episcopalian body which possesses nine-tenths of the religious wealth of the country, did anything like what the Dissenting bodies—in their poverty and in the face of all kinds of difficulties—have done, there would not be a hamlet in the country, however small it may be, where their Church would not be in active operation. I deny that we want to destroy the Episcopalian Church. We are all in the eye of the law members of the Church of England, and I would venture to suggest to the professed members of that Church that they are altogether in error in supposing, or saying, that the Church belongs to any one portion of the community. Besides being by law a member of the Church of England, I am a Dissenter. I am one of those Baptists to whom my hon. and learned Friend the mover of the Amendment, has referred. I may therefore claim to know something of the facts respecting that denomination. I wish at once to assert that to the Episcopal Church in the country I have not the slightest objection; on the contrary, I would wish it unbounded success. My objection rests to the union of one branch of the Christian Church with the State of this country—to its enjoying public property, to its occupying unceasingly the time of this House—to its inability to manage its own affairs. Of this the Reformed House of Commons is no doubt more thoroughly representative of the people of this country than any former House has been; but will anyone say it is a better body for the settlement of Church questions than the unreformed Houses were? We do not see here to-night any of the representatives of the Sister Island. I do not wonder at their absenting themselves when these questions affecting the Church of England come up in this House. This should be an Imperial Legislature. But we have been told over and over again in bygone debates, that it is a fitting thing for Dissenting and Roman Catholic Members either to absent themselves from the House, or be silent, when questions come up affecting the State-Church. Nothing, however, will induce me to believe that it is not wrong for us thus to be engaged upon questions of this kind. These questions as to the relations of Church and State, Sir, are only now coming to the front. Many of the changes which we in this country have been advocating have been realized, and I believe at no very distant date the proper relations of the State to the Episcopal body of this country will occupy general attention. Let me for a moment give the House a quotation showing the opinion entertained by Dr. Döllinger, as it appears in *The Guardian* of February 28, in a report of the Doctor's third lecture. He says—

> "And as regards the State Church itself in England, there must, if she will deal seriously with the attempts at union, first be accomplished a deeply based alteration in the situation of the Church. She must, as I think, lose her present position by which she is the ruling State-Church, since, through this position, she is at once too narrow and broad, too loose, and too confined, too free on the one side and too dependent on the other."

This, Sir, is the opinion of a man who looks at this question from a different stand-point to our own, and his words are surely worthy of our consideration. I venture, Sir, to urge that this Motion is extremely appropriate as regards the time when my hon. Friend the Member for Bradford (Mr. Miall) brings it forward, and so far as the debate has gone there seems to be no real difference as to the desirableness of granting that for which he asks. If there be in the possession of the National Church a revenue of something like £10,000,000, as it is admitted there is, it is nothing but right as a matter of practical common sense that it should be brought under the purview of the Legislature. There are no funds of a like character in which there has been so much jobbery, in the distribution of which there has been so much inequality, and in the use of which so much unfairness as these; and I venture, Sir, to think the people of this country will insist upon a searching inquiry, not only into the revenues of the Church, but into the manner in which they are dispensed.

Mr. CUBITT said, it had been assumed by the hon. Member for Bradford that the Motion standing in his name was intended as a joke, but he had far too great a regard for the dignity of the House to think of treating its votes as the medium for making a joke. He also hoped he had too deep a sense of the gravity of this subject to attempt to make a practical joke with reference to it. This, however, was not the first time he had heard the idea of a joke attributed to his Motion. That idea originated in the columns of *The Nonconformist* newspaper, accompanied by a statement that if the Motion were not a joke the Dissenters would enter with clean hands into the inquiry. He did not accuse them of having dirty hands, but he thought he could show that they would not enter into it with empty hands. Without discussing the general question at so late an hour, he should oppose both the Motion and the Amendment, on the ground that the inquiry asked for by the hon. Members opposite would be only a partial one. It was impossible that religious bodies should exist for a number of years in a country like this without accumulating property, and it was equally impossible that that property should not come in some degree under the direction and the protection of the State. To begin with, the Roman Catholics possessed a great deal of property, but as that subject had been so often brought under the notice of the House by the hon. Member for North Warwickshire (Mr. Newdegate), he would not dwell further upon it. He might also say that the Wesleyans had never concealed the fact that they possessed considerable property. The Jews, again, were also in possession of property devoted to religious purposes, and so were other sects. He wished, however, to confine his remarks chiefly to those religious bodies which used to be called "the three denominations," but which were sometimes spoken of now as "the Free Churches." The hon. Member for Bradford had made an admission to-night which went further than any he had made before. He divided Church property into two classes—the older and the more recent. Now, he was ready to place the property of the Nonconformist body in the latter category, although he contended that both classes of property were private property protected by the State. They had heard so much from the Independents against endowments that it was believed that they altogether repudiated them. He would quote some examples of their opinions on this point. In the *Congregational Year Book* for the present year, the Rev. J. Baldwin Brown said—

> "Of all the curses with which a spiritual community can be visited the worst is property—that is, property that can be laid up in treasuries and administered by authorities."

Again, the Rev. Dr. Rees, in a paper contributed to the same annual, expressed himself as follows:—

> "The excellent Lady Barham built seven small chapels at her own expense in the Gower district, but through her mistaken benevolence in endowing most of them, they are to this day weak and dependent on those miserable crutches, and only now beginning to learn the healthy exercise of their own wings."

He might add, also, a statement made by the hon. Member for Sheffield (Mr. Hadfield) in a debate in that House some years ago on the Trustees of Charities Bill. The hon. Member said—

> "They (the Dissenters) neither cared for nor wanted any endowments. It was a fact worthy of consideration that out of 25,000 places of worship that Dissenters had in Great Britain only 100 or 200—and those were of old standing—had received an endowment, and even these were from private benevolence. In more modern times the Dissenters did not endow their places of worship, but trusted to the voluntary principle. [3 *Hansard*, clxii. 681.]

He could not agree with the hon. Member's figures nor with his facts. But compare these statements with the practice of modern Nonconformists with regard to endowments. Mr. Remington Mills, formerly a member of that House, built a Congregational church at Egham, and endowed it with £70 a-year in house property when he left the neighbourhood. In one of those houses the minister lived, while the rent of the other was devoted to purposes connected with the church. The late Sir Francis Crossley was also, he believed, a strong supporter of endowments. On the 7th of June last his will was quoted in *The Times*, and it appeared that among the bequests was one of £1,000 to the Congregational Pastor's Retiring Fund, which was an endowed society with a capital of £88,000. Sir Francis Crossley also left £1,000 to Airedale College, Bradford, an endowed institution, besides making certain provisions with respect to the endowment of the almshouses erected by him at Halifax, and for the completion of any unfulfilled arrangements in connection with the Crossley Orphan Home and School, the majority of the governors of which institution were elected by the pastors and deacons of certain Independent Churches. Again, the chairman of the anniversary meeting at Cheshunt College in 1869, mentioned in his speech, in terms of commendation, the endeavour of the Calvinistic Methodist body to raise an endowment of £20,000 for their College at Trevecca, and of the success of the Rev. Edward Matthews in raising £18,000 of this sum; and the Report said that this College would be for Wales "an inestimable and everlasting blessing." That speech was delivered by Mr. Henry Richard, whom he believed he might identify with the hon. Member for Merthyr-Tydvil. Leaving this matter, he would next consider what information we possess as to Nonconformist endowments. The Reports of the Charity Commissioners show that endowments connected with Dissenting places of worship exist in nearly every county; but the Commissioners do not profess that these returns are complete, as they have no power of obtaining information about them except from the parish officers, who are often unable, and it may be, unwilling to supply it; and if any hon. Member will make private inquiries in his own neighbourhood he will probably find there endowments much more numerous than he imagines. Now, it is a singular fact that the *Congregational Year Book*, the *Baptist Hand Book*, the *Presbyterian Almanack*, and the *Unitarian Almanack*, although they give lists of these places of worship, make no mention whatever of any endowments belonging to them, but they do notice certain societies with large invested capital for the benefit of Dissenting ministers and their families. The influence which the trustees of these societies must acquire would seem to outsiders to clash with the congregational theory of separate Churches. He would, however, give the House, from other sources, some particulars affecting well-known charities. In 1704 Lady Hewley left property to seven trustees for various Dissenting objects, and in the year 1842, after great litigation, a suit was decided in favour of the retention of these endowments by the orthodox Dissenters. The old Charity Commissioners reported the income of these trustees to be nearly £3,000 a-year; but according to the latest Returns of the Charity Commissioners, the rents received by the trustees amounted to £6,000 or £7,000 a-year, in addition to which they had invested in stock upwards of £40,000, and £1,600 recently in the London and Westminster Bank, and taking advantage of recent legislation, they are now able to compete for landed investments with the landowners of Yorkshire. The trustees in that case were not only careful, but saving trustees. As to another charity—Coward's Trust—he had only arrived at a knowledge of the facts by accident; but this charity would be interesting to the House from the fact that Dr. Isaac Watts was one of the executors, from which circumstance the date of the commencement of the charity was fixed at the early part of the 18th century. Various objects were specified in the original bequest, which concluded thus—

> "And for such other charitable and useful purposes as they, or the major part of them, judge to be most condusive to the interests of true religion among Protestant Dissenters."

The trustees in the present day were Dr. Stoughton, the Rev. Mr. Binney, and two other gentlemen. Their whole income in the year 1871 was £3,442, and of this they granted for the education of students £1,100, and for the building of chapels and paying off debts £1,305. Here, therefore, were the funds of a charity appropriated to the building of chapels, which were constantly paraded as the great triumphs of the voluntary system. He did not wish to weary the House with details, but he would refer any hon. Members, who might wish to follow up the subject, to Chamberlain's Charity, Hollis' Charity, Davis' Charity, Creed's and Hanson's Charities for the education of ministers—which the hon. Member for Brighton might possibly think could be better appropriated to undenominational teaching at Cambridge—the Williams Fund, and many other charities and funds of a similar nature. While the hon. Member for Bradford had all the materials which he required ready to his hand, he himself had been compelled to prosecute an active search, like a miner in Australia digging for gold, sometimes finding a few grains and sometimes lighting on a considerable nugget. But he had reason to believe that the vein was by no means exhausted, and that he had only arrived at the beginning of it. He wished to add a word on the subject of endowed colleges in the possession of the Nonconformist bodies. Dr. Allon, in a paper read by him on the subject of the amalgamation of colleges, said—

> "We possess 16 collegiate institutions, having 38 professors, 368 students, and an aggregate income of about £25,000 a-year."

How much of this was derived from endowments he was unable to say, but there was some evidence that the proportion must be very considerable. There are also at least seven Baptist colleges, two Unitarian, and possibly many others. Passing by the other colleges, he would direct attention to the case of New College, which might be regarded as a model institution. Dr. Pye Smith, in laying the first stone of this College in 1850, said that it would unite three old colleges—Homerton, Torrington Square, and Highbury—of which the earliest was founded soon after the time of William III. He also stated that the pious men of that day did not seem to think it necessary to ascertain that their sons had the qualification for the ministry, and it was not until the institutions now united were founded—

> "That the satisfactory evidence of conversion to God in encouraging any young man to devote himself to the ministry was thoroughly understood to be of imperative and absolute necessity."

In the language of the present day, that would mean that "tests" were not at first in vogue, but afterwards were found to be necessary—

> "The candidate is required to be a member of some Congregational Church and 16 years old, to be able to adduce testimony of one or more Congregational ministers and of the church with which he is in fellowship to his consistent piety, mental ability, and general fitness for ministerial work."

After all these an application in writing has to be sent in, and the Council decide whether they will admit the candidate to an interview. The House, doubtless, would concur with him that the tests thus imposed were much more strict than those in vogue in Oxford or Cambridge in what hon. Members opposite would call their worst days. The balance-sheet of this College for the year 1868-9, of which Mr. J. R. Mills is the treasurer, shows an income of £4,393. Of this sum upwards of £2,600 appears to come from trusts and dividends, including £1,100 from Coward's Trustees. In the Report for 1871 of the Countess of Huntingdon's College at Cheshunt, out of a total income of £2,672, £864 comes from rents and dividends, and it has received legacies amounting to nearly £29,000 since 1794. To this College peculiar importance was attached because it professed to be an undenominational college. But Dr. Allon, in his address at the opening of the new buildings, said—

> "Any student, when his education is finished, is at perfect liberty to exercise his ministry in whatever section of the Church of Christ he may prefer. The fact that so many of its *alumni* now enter the Congregational ministry is owing solely to changes in Church parties and popular sympathies."

In other words, this undenominational College was gradually becoming absorbed by the Congregational body. At this College the series of questions submitted to candidates for admission was exceedingly searching. One of these he might, perhaps, be permitted to read—

> "What reason have you for believing that you have experienced a saving work of grace upon your heart, at what period of your life, and by what means do you consider the change to have taken place? (To be answered very fully.)"

Another question was—"Can you cordially subscribe the 15 Articles subjoined to these questions?" In a case submitted to the hon. and learned Member for Richmond and the present Vice Chancellor Wickens, the President, Dr. Reynolds, says—

> "These Articles, taken principally from the Thirty-nine Articles of the Church of England, are skilfully interwoven with some of the more important clauses of the Confession of Faith of the Westminster Assembly of Divines, and while they carefully preserve the evangelical fervour of the originals, they avoid some of their crudities and are studiously comprehensive in all matters affecting Church policy."

As to the protection which the law afforded to these endowments, he would first observe that the Courts of the country were freely employed in reference to them, and that not merely with reference to the property of the various Dissenting bodies, but, as the hon. and learned Member for Richmond (Sir Roundell Palmer) stated last year, on points connected with their peculiar doctrine. In this respect, Nonconformists appeared to be as completely "under Egyptian bondage" as members of the Established Church were popularly supposed to be. One of the cases which had come before the Law Courts many years ago, was that relating to the Hewley Charity, which gave rise to a vast amount of litigation, and which was the principal cause of the legislation which was subsequently effected on the subject of the property held by Dissenting bodies. Many hon. Members would recollect the passing of the Dissenters' Chapels Act, in 1844, by Sir Robert Peel, the first clause of which made lawful the tenure, and confirmed persons in possession of property appropriated to Dissenting purposes which were unlawful prior to the passing of certain recited enabling Acts, and enacted that all the deeds and documents relating to them be construed as if such Acts had been in force at the time of the foundation of such meeting-houses. Clause 2 enacted that—

> "Religious doctrines or opinions for the preaching or promotion of which the meeting-house may be held, is to be collected from 25 years' usage, when not expressly stated in the trust deed."

Under this Act, then, Nonconformists held property by a limited Parliamentary title. In *Skeat's History of the Free Churches*, published in 1839, by Mr. A. Miall, it was stated that—

> "The Act, so far as it limited inquiry into the right to property, was in harmony with previous laws, and so far as it was calculated to prevent litigation was in harmony with the best civil and religious interests of society."

On the morality of the following statement he would not comment, but it illustrated the importance of the Act. The Rev. J. Baldwin Brown, in his address on the principles of trust deeds, said—

> "Many of the most eminent of our ministers are preaching under trust deeds containing statements of doctrine which nothing would induce them to utter from the pulpits."

Again, of late years the following Acts had been passed affecting the property of Dissenting bodies—the 13 & 14 *Vict.*, c. 28—called Sir Morton Peto's Act—for rendering more simple and effectual the law by which societies for religious worship hold property; the 31 & 32 *Vict.*, c. 44, facilitating the acquisition of sites for religious purposes; the 32 & 33 *Vict.*, c. 26, extending this Act to burial grounds—possibly a crumb of comfort to the hon. and learned Member for Denbighshire (Mr. Osborne Morgan)—as showing that Nonconformists possess them; and the 33 & 34 *Vict.*, c. 34, the Charitable Funds Investment Act, enabling trustees for public and charitable purposes to invest the funds intrusted to them in real securities, called on Congregational authority "brief but important," and specially valuable to Lady Hewley's trustees. Another instance of the interference of the Legislature with property held by Dissenting bodies was furnished by the Charity Commission. On the 21st of May last, the Poultry Chapel was sold for the sum of £50,200, with the consent and under the authority of the Charity Commissioners, and this sum must be re-invested with their sanction. He understood, also, that they received three or four applications a-week for the appointment, under their powers, of new trustees to Dissenting chapels. On a moderate computation, he calculated this caused a saving to the chapel trustees of £10,000 a-year, and as the expenses of the Commission were paid out of the Consolidated Fund, the additional expense incurred from the work belonging to these trusts, whatever that may be, was an actual grant to the Dissenters from the taxation of the country. He thought that the people at large had a right to complain that such a large sum was annually abstracted from their pockets for the exclusive benefit of Dissenters, and he commended this fact to the consideration of the hon. Member for Birmingham and those who complained of the operation of the 25th clause of the Education Act. He trusted that he had said sufficient to show that there were endowments possessed by the Dissenters; that that property was to a certain extent protected by law, and that therefore the proposals of the hon. Members for Bradford and Frome were open to the objection that they were partial and did not embrace the whole question. In the improbable event of either of those proposals being carried, he should take the sense of the House upon the Resolution of which he had given Notice; and he gave the hon. Member for Bradford (Mr. Miall) fair warning that such was the way in which his joke would end. The hon. Member for Huddersfield (Mr. Leatham), in seconding the Motion, had stood forth as a political Dissenter. He begged to remind the hon. Member that a century ago we had had political Churchmen in this country—men who had done a great deal of harm to the Church, and he wished to know whether it had never crossed the hon. Member's mind that political Dissenters might do a great deal of harm to the free churches of Great Britain. The political Dissenters, by their attempts, might prevent the Church of England from giving her undivided attention to that internal work which she was now engaged upon, and they might succeed in capturing some of her outworks; but even if they were to succeed in overthrowing her altogether, he did not believe that the free churches of this country would be then in existence to enjoy their triumph over her, and their acts would remain to prove to students of history that as great mistakes had been committed by ecclesiastical bodies in the 19th century as had been committed in any of the previous centuries.

MR. GLADSTONE: Although I do not doubt that the House is quite prepared to arrive at a decision upon the Motion and the Amendment upon it which is now before them, still I do not think it would be respectful to the hon.

Member for Bradford (Mr. Miall), and those with whom he acts, were the Government to give a silent vote upon this question. While fully admitting the ability with which this question has been brought forward, we must all have felt that there is a certain want of definite purpose and reality in the proposal to which we are asked to accede, and that not because we have not a sufficient subject of debate before us, but because we are labouring under the difficulty of having too much put before us at one time. The hon. Member for Bradford, having on his hands the gigantic question of the disestablishment of the Established Church, has found it expedient not to simplify but to further complicate and enlarge his task by mixing up with the main question an inquiry which involved matters of fact which are entirely distinct from the question of principle he has already raised. Then the hon. and learned Member for Frome (Mr. T. Hughes) gave greater scope to the debate by rejecting the purpose of the Motion, and addressing himself to a new subject, itself gigantic, perfectly distinct, and not less complicated—the re-distribution of the property of the Established Church. The hon. Member for West Surrey (Mr. Cubitt) has also just now asked us to still further extend this inquiry to the property possessed by other ecclesiastical bodies in the kingdom besides the Established Church, as if the original subject was not quite sufficient to occupy us for three or four hours on a summer evening in July. There is one argument against the Motion of the hon. Member for Bradford which its opponents appear to have overlooked, which is, that if this Commission is appointed we should get rid of the hon. Member and his Motion for several years to come while this inquiry was pending. The hon. Member has cast his net very widely. He proposes to inquire not only into the amount but the nature and origin of ecclesiastical property now appropriated to the use of the Establishment. I did not gather from his speech at what point in the chronology of the human race he proposes to commence this inquiry. Perhaps he would be satisfied with Melchisedec, one of the highest authorities from whom the history of such may be traced not with an absolute freedom from an error, but with sufficient historical and archæological acumen. Undoubtedly I am struck by the fact that my hon. Friend has departed from the direct issue he raised in former years, not abandoning any of the principles on which he proceeded, but unquestionably altering essentially the practical form of his proposal, because he invites us, instead of going straight to the root of the matter, to interpose a preliminary, but his sense of Parliamentary propriety must convince him that it would be impossible to revert to the subject until it had reached its absolute issue. The Government are in no degree reconciled to the object of my hon. Friend by this change which he has made. I confess that I do not see that any case—I mean any sufficient case—has been made out for any of the proposals which have been brought before us to-night. With respect to capitular property and the Cathedral system of this country, I hardly think that my hon. Friend the Member for Huddersfield (Mr. Leatham)—who always addresses the House with great ability—can believe that the impartiality of his speech and its historical fairness were as conspicuous as the talent which he invariably brings to bear on any argument he puts forward. My hon. Friend, in justice to many of the eminent persons connected with these establishments, ought really to have referred to the great and successful efforts made within the last 10 or 15 years by the Deans and Chapters of many cathedrals, and not least of the two in this metropolis, for the purpose of making them powerful, living centres of religious activity—efforts which have met with a response from the inhabitants of this capital which will be ever memorable in our annals. With reference to the redistribution of the property of the Church, pray let it be recollected that that is a matter which 30 or 35 years ago occupied much of the attention of statesmen and of Parliament, and that much has been done to remove the greater anomalies which formerly struck the eye. The extremes of wealth in the high places of the Church have been retrenched—not to the extent, perhaps, which my hon. Friends might desire, but still with the effect of greatly cutting down the emoluments of those who held some of the highest and most responsible positions. On the other hand, that which did amount to a scandal—the beggarly character of the stipends, I do not say enjoyed—but received by many of the most laborious of the clergy—has been in a very considerable degree mitigated, if not removed, by the application of a very large portion of that cathedral property to which my hon. Friend in that part of his speech, I must say, so obscurely referred. It is all very well to talk of a further re-distribution of the property of the Church of England—of its parochial property, which constitutes the great mass of the property that it possesses. But when we pass from general, brief, and superficial discussion of this kind to grapple with details, everyone knows that you are met by peculiarities of the system, the growth of many generations of men, in one point of view impeding you by the extraordinary closeness of the intermixture of social and proprietary interests connected with the arrangement of the property of the Church; and, on the other hand, exhibiting an intimate union between the Church of England and the families of this country such as I venture to tell my hon. Friend (Mr. Miall), whenever his question of disestablishment, instead of being a debating question, becomes a practical question, will offer to him and to those who are associated with him very serious and very difficult matters to deal with. I do not think, in regard to an inquiry, that my hon. Friend can suppose that there is any reason why any great machinery should be put in motion to elicit facts with the general character of which Parliament and the country are acquainted, and with the minute character of which there is no reason why we should seek an acquaintance, except, perhaps, with a view of resuming at a future and distant year his Motion for disestablishment if we should accede to his present proposal. But if this Motion cannot be supported as a Motion directed to the substantive aims and ends of inquiry, neither are we prepared to support it as a Motion intended for the attainment of ulterior purposes. Sir, it is not at this time of the night that I shall endeavour to make a speech on the enormous—the almost unmeasured questions that are involved in the subject of the disestablishment of the Church of England. My hon. Friend has referred to the challenge which he says he received from me when I endeavoured to point out to him that if he wished to procure the acceptance of the opinions that he holds by the Parliament and the country he must begin by making a progress which he never yet has achieved—by converting to those opinions the people of this country. He refers—and he may refer with some justice—to the general progress of opinion and of affairs on the Continent of Europe. There is no doubt that circumstances have occurred in connection with the organization of the Church of Rome in particular which have given an impulse more or less in other countries to the cause which my hon. Friend has in hand. I am very doubtful whether they have had a similar effect in this country. I am very doubtful whether they may not have produced a reaction in the minds of the people of this country, who rather shrink from the contemplation of what they have been witnessing as a whole abroad, and who may be supposed to attach an additional value to what they possess with all its drawbacks, owing to the experience through which they see other nations passing in matters of religion. At any rate, I do not think my hon. Friend has reached a point at which he is entitled to present this question to the House of Commons as one to be debated in a practical sense and with a view to a practical decision. I almost feel—I hope he will not think me disrespectful to him in saying this—that we are called on to-night to discharge the functions of a debating society rather than the ordinary duties of the British Parliament. His object seems to be so remote—so remote from the wishes of the people of England—the estimate which has been formed of the work which has to be done in order to bring about a different state of things appears to me, I confess, to be so inadequate that, notwithstanding the undoubted ability, earnestness, and sincerity of my hon. Friend—and no one possesses more earnestness or sincerity than he does—notwithstanding those qualities, I cannot but feel that a theoretical aspect and character seems to be spread over this discussion, which deprives it of much of that interest and reality which we recognize when we are dealing with questions that have relation to results and are within our power and faculty of calculation. Therefore, even if the time were more convenient than it is, there could be no necessity for me to lead the House into a lengthened discussion on the great subject which my hon. Friend has to-night more indistinctly indicated. I do not wish to be understood as altogether putting aside, on the part of the Government, proposals made by my hon. and learned Friend the Member for Frome (Mr. T. Hughes) and others, with regard to the reforms which may be found practicable in the distribution of the property of the Church. What I do think is, that we are not prepared to enter wholesale upon those reforms. It is idle to suppose that they can be dealt with, unless Parliament is prepared to give to them much of its time and attention — much more of its time and attention than the other calls upon it are likely to permit of its bestowing. And I must say that even my hon. Friend opposite (Mr. Welby), who seconded the Amendment of the hon. and learned Member for Frome, must himself have been sensible, when he had made all the deductions and all the qualifications that he felt to be necessary with regard to the rights of property, with regard to the respect due to vested interests, with regard to the necessity or expediency of preserving prizes in the Church, that the field for action in the province which he marked out for himself was really much more narrow than he might at first have supposed. But whatever is to be said upon this subject should be said as distinct from the Motion before us. The connection of the two matters can only lead to confusion. I look, therefore, for a moment to the Motion of my hon. Friend the Member for Bradford as entirely apart from these propositions of internal reform; and, so looking at it, I am bound to say that while I can see no reason why we should enter upon this lengthened and elaborate inquiry into matters of fact, when we are already possessed of abundant information for all practical purposes, we are still less disposed to give countenance to this Motion if we are to consider the ulterior purposes which my hon. Friend has alluded to. He has distinctly, and by a process perfectly legitimate from his point of view, given us to understand that he wishes to collect the facts, and to be in possession of them in the most complete and accurate form, in order that he may afterwards found upon them proposals of extended constitutional change. To those proposals we are not friendly; we are not prepared to give them a present welcome; we are not prepared to look upon them as proposals which can be taken up by the Administration that now exists in any future year. That being so, we think it best that we should at once decline to take shelter under the modified character of the demand my hon. Friend makes upon us for the moment; we will not look at it, though I must at once admit that no fundamental objection can be taken in principle to the inquiry when treated simply as an inquiry. It is fair to him, as well as to the House, that we should take into our view the purpose for which that inquiry is to be directed, and as that purpose is one which we are not prepared to entertain, we must ask the House to join with us in voting against the Motion.

Question put.

The House *divided*:—Ayes 94; Noes 295: Majority 201.

AYES.

Adair, H. E.
Anderson, G.
Armitstead, G.
Baines, E.
Barry, A. H. S.
Bazley, Sir T.
Bentall, E. H.
Blennerhassett, R. (Kry.
Brewer, Dr.
Bright, J. (Manchester)
Brogden, A.
Brown, A. H.
Buckley, N.
Callan, P.
Candlish, J.
Carnegie, hon. C.
Carter, R. M.
Chadwick, D.
Clifford, C. C.
Colman, J. J.
Cowen, Sir J.
Craufurd, E. H. J.
Davies, R.
Delahunty, J.
Digby, K. T.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Fawcett, H.
Fitzmaurice, Lord E.
Fothergill, R.
Gilpin, C.
Gourley, E. T.
Graham, W.
Grieve, J. J.
Hadfield, G.
Harris, J. D.
Herbert, hon. A. E. W.
Hoare, Sir H. A.
Holland, S.
Holms, J.
Howard, J.
Illingworth, A.
Johnston, A.
Kensington, Lord
Kinnaird, hon. A. F.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lush, Dr.
Lusk, A.
Macfie, R. A.
Mackintosh, E. W.
M'Arthur, W.
M'Clure, T.
Maguire, J. F.
Marling, S. S.
Melly, G.
Miller, J.
Morgan, G. Osborne
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Palmer, J. H.
Parry, L. Jones-
Philips, R. N.
Plimsoll, S
Potter, E.
Price, W. P.
Rathbone, W.
Reed, C.
Richard, H.
Richards, E. M.
Russell, Lord A.
Rylands, P.
Samuelson, H. B.
Sartoris, E. J,

Seely, C. (Lincoln)
Shaw, R.
Sheridan, H. B.
Smyth, P. J.
Stepney, Sir J.
Taylor, P. A.
Torrens, R. R.
Trevelyan, G. O.
Villiers, rt. hon. C. P.
Weguelin, T. M.
Whalley, G. H.
White, J.
Williams, W.
Willyams, E. W. B.
Wingfield, Sir C.
Young, A. W.

TELLERS.

Miall, E.
Leatham, E. A.

NOES.

Adderley, rt. hon. Sir C.
Akroyd, E.
Amcotts, Colonel W. C.
Antrobus, Sir E.
Arbuthnot, Major G.
Arkwright, A. P.
Arkwright, R.
Ayrton, rt. hon. A. S.
Baggallay, Sir R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, rt. hon. J. T.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Bass, A.
Bates, E.
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. Hicks-
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Bentinck, G. W. P.
Beresford, Lt.-Col. M.
Bingham, Lord
Birley, H.
Bonham-Carter, J.
Booth, Sir R. G.
Bourne, Colonel
Bouverie, rt. hon. E. P.
Bowmont, Marquess of
Bowring, E. A.
Brand, H. R.
Brassey, H. A.
Brassey, T.
Brise, Colonel R.
Bristowe, S. B.
Broadley, W. H. H.
Brooks, W. C.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Bruce, Sir H. H.
Bruen, H.
Buckley, Sir E.
Buller, Sir E. M.
Burrell, Sir P.
Butler-Johnstone, H. A.
Buxton, Sir R. J.
Cameron, D.
Campbell, H.
Cardwell, rt. hon. E.
Carington, hn. Capt. W.
Cave, rt. hon. S.
Cavendish, Lord F. C.
Cavendish, Lord G.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Charley, W. T.
Child, Sir S.
Clive, Col. hon. G. W.
Clowes, S. W.
Cochrane, A. D. W. R. B.
Cole, Col. hon. H. A.
Coleridge, Sir J. D.
Colthurst, Sir G. C.
Conolly, T.
Corbett, Colonel
Corrance, F. S.
Corry, rt. hon. H. T. L.
Cowper, hon. H. F.
Cowper-Temple, right hon. W.
Crawford, R. W.
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Dalrymple, C.
Dalrymple, D.
Damer, Capt. Dawson-
Denison, C. B.
Denman, hon. G.
Dent, J. D.
Dick, F.
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Dodson, rt. hon. J. G.
Dowdeswell, W. E.
Dowse, rt. hon. R.
Duff, M. E. G.
Duncombe, hon. Col.
Du Pre, C. G.
Dyke, W. H.
Dyott, Colonel R.
Edwards, H.
Egerton, hon. A. F.
Egerton, Capt. hon. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Elliot, G.
Elphinstone, Sir J. D. H.
Enfield, Viscount
Ewing, A. Orr-
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
FitzGerald, right hon. Lord O. A.
Fitzwilliam, hn. C. W. W.
Foljambe, F. J. S.
Forde, Colonel
Forster, rt. hon. W. E.
Foster, W. H.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fowler, R. N.
Gallwey, Sir W. P.
Galway, Viscount
Gilpin, Colonel
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldney, G.
Gordon, E. S.
Gore, J. R. O.
Goschen, rt. hon. G. J.
Gower, hon. E. F. L.
Grant, Col. hon. J.
Graves, S. R.
Gregory, G. B.
Greville, hon. Capt.
Grosvenor, hon. N.
Grosvenor, Lord R.
Guest, M. J.
Gurney, rt. hon. R.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hanbury, R. W.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Henley, Lord
Henry, M.
Hermon, E.
Hesketh, Sir T. G.
Heygate, W. U.
Hibbert, J. T.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Hodgson, K. D.
Hogg, J. M.
Holford, J. P. G.
Holt, J. M.
Hood, Cap. hn. A. W. A. N.
Hope, A. J. B. B.
Hornby, E. K.
Hughes, T.
Hunt, rt. hon. G. W.
Hurst, R. H.
Jackson, R. W
Jardine, R.
Jessel, Sir G.
Johnstone, Sir H.
Jones, J.
Kavanagh, A. Mac.M.
Kay-Shuttleworth, U. J.
Kekewich, S. T.
Kennaway, J. H.
Kingscote, Colonel
Knightley, Sir R.
Lacon, Sir E. H. K.
Langton, W. G.
Laslett, W.
Learmonth, A.
Lefevre, G. J. S.
Legh, W. J.
Legh, Lieut.-Col. G. C.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, J.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Colonel R. L.
Lloyd, Sir T. D.
Locke, J.
Lopes, Sir M.
Lorne, Marquess of
Lowe, rt. hon. R.
Lowther, hon. W.
Lyttelton, hon. C. G.
M'Lagan, P.
Mahon, Viscount
Malcolm, J. W.
Martin, P. W.
Maxwell, W. H.
Mellor, T. W.
Milles, hon. G. W.
Mills, C. H.
Mitchell, T. A.
Monckton, F.
Monckton, hon. G.
Monk, C. J.
Montgomery, Sir G. G.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Muncaster, Lord
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
Nicholson, W.
North, Colonel
Northcote, rt. hn. Sir S. H.
O'Neill, hon. E.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Parker, Lt.-Colonel W.
Patten, rt. hon. Col. W.
Peel, A. W.
Pell, A.
Pemberton, E. L.
Pim, J.
Portman, hon. W. H. B.
Powell, F. S.
Powell, W.
Raikes, H. C.
Read, C. S.
Ridley, M. W.
Round, J.
Russell, Sir W.
Salt, T.
Sandon, Viscount
Sclater-Booth, G.
Scourfield, J. H.
Selwin-Ibbetson, Sir H. J.
Shirley, S. E.
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Somerset, Lord H. R. C.
Stanley, hon. F.
Stansfeld, rt. hon. J.
Stapleton, J.

Starkie, J. P. C.
Steere, L.
Straight, D.
Stuart, Colonel
Sturt, Lt.-Colonel N.
Sykes, C.
Talbot, C. R. M.
Talbot, J. G.
Taylor, rt. hon. Col.
Tipping, W.
Tollemache, hon. F. J.
Tollemache, Major W.F.
Torrens, W. T. M'C.
Trench, Capt.
Trevor, Lord A. E. Hill-
Turnor, E.
Vance, J.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Watney, J.
Welby, W. E.
West, H. W.
Wethered, T. O.
Whatman, J.
Whitbread, S.
Whitwell, J.
Williams, Sir F. M.
Williamson, Sir H.
Wilmot, Sir H.
Winn, R.
Wise, H. C.
Wynn, Sir W. W.
Yarmouth, Earl of
Yorke, J. R.

TELLERS.
Adam, W. P.
Glyn, hon. G. G.

Question put, "That the words

'any ecclesiastical purposes, and that such Commission may be instructed to consider what re-arrangements in the system of parochial benefices may be needed for the better adjustment of parishes and incomes in the Church of England, and what amendments may be made in the Laws relating to the patronage of benefices,'

be added, instead thereof."

The House *divided*:—Ayes 41; Noes 270: Majority 229.

Main Question, as amended, put, and *negatived.*

MILITARY FORCES LOCALISATION (EXPENSES) BILL.

Resolution [July 1] *reported;*

"That it is expedient to authorise the payment, out of the Consolidated Fund of the United Kingdom, of any sum or sums not exceeding Three Million Five Hundred Thousand Pounds, for the purpose of defraying the Expenses of building Barracks, and otherwise providing for the Localisation of the Military Forces."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. Bonham-Carter, Mr. Secretary Cardwell, Sir Henry Storks, and Mr. Campbell.

Bill *presented,* and read the first time. [Bill 222.]

House adjourned at Two o'clock.

* * *

HOUSE OF COMMONS,

Wednesday, 3rd July, 1872.

MINUTES.]—Public Bills—*Second Reading*—Commons Protection, &c. [63], *put off;* Sale of Liquors on Sunday [78], *debate adjourned;* Custody of Infants* [93].

Committee—Adulteration of Food, Drugs, &c.* [37]—R.P.

TRAMWAYS (METROPOLIS) BILLS.

Ordered, That the Promoters of any of the Tramways (Metropolis) Bills introduced in this or the last Session and which are now before Parliament shall have leave to suspend any further proceedings thereon, in order to proceed with the same Bill, if they shall think fit, in the next Session of Parliament.

Ordered, That the Promoters of any such Bill intending to suspend any further proceedings thereon, may give notice of such their intention in the Private Bill Office, not later than the twentieth day of July, one thousand eight hundred and seventy-two.

Ordered, That the money deposited in accordance with the Standing Orders or any Resolution of this House in respect of such Bills shall thereupon be returned to the depositors.

Ordered, That the Promoters of each such Bill may on or before the thirty-first day of December next, deposit in the Private Bill Office an Estimate (signed by the person making the same) of the expense of the undertaking under the Bill (or so much thereof as the Promoters may determine to proceed with in the next Session of Parliament), and previously to the fifteenth day of January next deposit a sum not less than four per centum on the amount of such Estimate with the Court of Chancery in England.

Ordered, That not later than three clear days after the next meeting of Parliament each Bill, the proceedings whereon shall have been suspended as aforesaid, may be deposited in the Private Bill Office in the form required by the Standing Orders, with a Declaration signed by the agent annexed thereto, stating that the Bill is the same in every respect (except where any of the proposed works with which the Promoters do not intend to proceed in the ensuing Session have been omitted from the Bill) as the Bill with respect to which proceedings have been so suspended at the last stage of its proceeding in the House in the present Session or in the Session of 1871.

Ordered, That such Bills, indorsed by one of the Clerks in the Private Bill Office, as having been duly deposited, with such Declaration annexed, may be laid by one of the Clerks of that Office upon the Table of the House in the next Session of Parliament.

Ordered, That in respect of every Bill so laid upon the Table, the Petition for the Bill and the Order of leave to bring in the same in the present Session or in the Session of 1871 shall be read, and thereupon such Petition shall be referred to the Examiners of Petitions for Private Bills, who shall forthwith report to the House whether or not the Promoters have made such deposit with the Court of Chancery in England as aforesaid; and upon the Examiners reporting that such deposit has been made the Bill shall be read a first time and a second time, and referred to a Select Committee or otherwise dealt with as the House shall order.

Ordered, That all Petitions presented in the Session of 1871 or in the present Session against any such Bill, and which stood referred to the Committee on such Bill, shall stand referred to the Committee on the same Bill in the next Session of Parliament."—(*Mr. Arthur Peel.*)

COMMONS PROTECTION, &c. BILL.

(*Sir Charles Dilke, Mr. Taylor, Mr. Morrison.*)

[BILL 63.] SECOND READING.

Order for Second Reading read.

SIR CHARLES W. DILKE, in moving "That the Bill be now read a second time," said: Sir, the "Commons Protection Bill" is so named by a mere mistake which occurred in the printing office of this House. It is all but a verbal copy of the Bill of last Session called the Public Lands Bill. The long title—which is in both Bills the same—gives a far more accurate impression of the nature of the Bill than does the short. It describes it as "a Bill to provide for the better security of the Rights of the Public in Lands and Commons, and for the beneficial management of public Lands and Commons." The Preamble is the key to the reasons which have led to the Bill being brought before the House. It states that a large part of the lands of England have become vested in corporations for purposes more or less public in their nature; that such lands are often not administered with due economy and profit; that, from the absence of constant supervision, some such lands, common rights, and rights of way have been withdrawn from public and converted to private uses; and that the concurrent management of such lands, where lying together, would afford means for great public improvements. With regard to the first portion of the case, it is impossible accurately to assess the amount of land that is at present vested in corporations. We should, I think, be justified in assuming that much more than what the Bill implies by the phrase "a large part;"—indeed, a vast proportion of the land of England—belongs to corporations. It was stated in 1863 by the present Prime Minister that the income tax on the property of the endowed charities alone would — if paid —amount to £100,000 a-year; which would mean that the income of those charities was £4,000,000. The income of the Universities of Oxford and Cambridge, and of the colleges of those Universities, has, I believe, been estimated at £500,000, chiefly derived from land. The landed property of London Companies, and of the Church, is of vast extent. The Returns as to charitable endowments of the smaller kind which have lately been laid upon the Table of the House show, for instance, that in the county of Kent alone there are 14,000 acres belonging to Kentish charities—that is, without including lands belonging to Kentish charities in other counties, and without including lands situate in Kent and belonging to the charities of other counties. Almost all of North London and almost all of South London belongs to charities, and the value of the public lands of England has been set as high as £500,000,000. With reference to the second statement of the Preamble—namely, that these lands are for the most part not administered with due economy and profit, I think there will be no difference of opinion. It is undoubtedly true that some of them are administered with strict economy and with much profit; but I think no one will contend that as a whole, or even in general, they are so administered. But there is another statement in the Preamble which is capable of easy proof—that these lands are not administered with due regard to the public interest. Not to go far for an example, I would refer to statements lately made within these walls with regard to the Finsbury Prebend Estate. A complete contradiction was given on behalf of the Ecclesiastical Commissioners, by the hon. Baronet the Member for North Devon (Sir Thomas Acland), to the charges made by the medical officer of Shoreditch. But *The Times* of the 13th May returned to the subject, and, after going into much detail, spoke as follows:—

> "It seems plain that the Ecclesiastical Commissioners did not enter upon possession of this great estate with any definite policy to guide them in its management, or with any just idea of the magnitude of the interests at stake. They have done nothing which was not strictly within their right; but they have failed to show either the intelligence or the public spirit which might be fairly expected from trustees for the public."

So much for the present management of the public lands. The third statement which it is my duty to make good is that, from the absence of constant supervision, some lands have been withdrawn from public and converted to private uses. This, again, is a statement which no one who is acquainted with the subject will controvert. If, however, there be need for examples, I would point to the gradual swallowing up of the public rights in the lands of Dartmoor, by the action of the Duchy of Cornwall, without the sanction of this House. In the Reports, too, of the Charity Commissioners there are many cases given in which lands and rent-charges appear from documents in their possession to have been granted which cannot now be found or identified, and are lost to that public use for which they were designed. An account of the Prison Charities of the City, printed in 1870, states a singular case of the loss of charitable lands. The report is in the following words:—

> "Certain tenements near Paul's Wharf in the parishes of St. Benet and St. Peter were left by John Fuller in 1592 for poor prisoners. In 1780, the Society for the Relief of Prisoners—for small debts — filed an information against the lessees of the property, no rents having been applied for the prisoners since 1764. An enquiry was directed to find who was the heir-at-law to the last trustee, in order to get new trustees appointed. The matter was neglected until 1862, when the solicitors of the Attorney General were advised that some one had no doubt acquired an adverse title by long possession, and that it would be useless to take any proceedings to recover."

Thus much have I said of special reasons for legislation. I next would come to speak of the particular form of legislation, which it is that we propose. The Preamble of the Bill sets forth that the concurrent management and disposition of public lands that lie together would be for the public advantage, and it instances the case of lands in London as an example of what is meant. We might compare what has been done by Lord Westminster in Pimlico and what has been neglected, which, under this Bill, might easily be effected, upon the vast charitable estates of Finsbury, by the concurrent management of charitable lands. One fourth of the whole area of London is in public hands. I consider it fortunate that the House will have the advantage of hearing the hon. Member for East Sussex (Mr. Gregory) on this occasion. I believe that the hon. Member is treasurer of the Foundling Hospital, and as such must be well acquainted with the large estates of that institution. The trustees of the Foundling Hospital have 40 acres of land in perhaps the most central part of London, including all the streets and houses between Russell Square on the west, Gray's Inn Road on the east, Regent Square on the north, and Great Ormond Street on the south. It comprises many squares, streets, courts and mews, let on about 200 different leases, most of which will expire in about 20 years time. The ground-rents are upwards of £5,000 a-year, and the value of the estate was estimated 40 years ago at upwards of £50,000 a-year. From the increase in the value of property in the midst of London, it will probably be worth £100,000 a-year when the leases fall in. Many of these smaller streets, courts, and mews might be greatly improved in the accommodation they would afford as dwellings. No doubt, many of these leases could be advantageously purchased for the short residue of the term, and the sites applied to improved dwellings with vast social advantages, as well as greater profit to the institution. The Committee of the Foundling Hospital, with the responsibility of administering wisely these large funds, could not be expected to embark in any schemes of public improvement. The overseers under whom the estate would be placed by the present Bill would not be limited to improvements on this property alone. The Foundling Hospital estate nearly touches on the property of several other wealthy institutions; near it are the estates of the Tonbridge School, the Aldenham School, Seckford Hospital, and many others. The powers thus united would afford means of metropolitan improvement of incalculable value, which could never be obtained by a multitude of separate proprietors acting without concert, if not in hostility to one another. The first action of this Bill would be to startle those who have not hitherto been interested in the subject, by making known the extent of the lands over which public rights exist. As Mr. Hare put the case in an article which appeared in *The Fortnightly Review*, the public wants, first information and then access — a knowledge of the property it possesses, and then an opportunity of competing on fair terms for the occupation of these estates in a competition in which no prejudices, no private interests, and no personal favour will be allowed to prevail, and in dealing with which there shall be no place for any other than the single object of the public good. We might point to the management of the Greenwich Hospital Estates by John Grey of Dilston, as explained in Mrs. Butler's life of her father. That is the model which in this Bill we have taken for imitation. The Bill directs the administrative bodies of the public lands, within each district, to elect an overseer for the management of these lands as one estate, and it then goes on to lay down the duties of the overseer. The district contemplated by the framers of the Bill would be of such a size as would allow of its being covered in a morning's ride from the office of the overseer at the centre. The overseer's first and not least important duty would be to prepare a new *Domesday Book* for his district, with a view to the preservation for the future, and to the concurrent management of all public lands within it. When he had got his district mapped out it would become his duty to disseminate the knowledge he had obtained, and next to administer the public lands under his charge for the benefit both of the corporations directly, and of the public indirectly but ultimately interested. I believe that the result would be that by management, both skilled and concurrent, the corporations themselves would derive far greater advantage from their lands, on the average, than they do at present; and that on the other hand, the public, now wholly ignored in the management of these lands, would, for the first time, have security that their interests would no longer be neglected. The overseer might be partly paid by a percentage on the rents made over by him to the corporations, and this would ensure his due attention to the interests of these bodies, by whom, moreover, he would have been elected. He would, too, relieve the corporations from expense, for most of them possess small detached properties in different places, and even in many counties. On the other hand, the overseer would have to report to Government, and his reports would be of a public nature — provisions which would probably be found sufficient to secure his attention to the public interest. It would be his duty to encourage the occupation of the lands themselves—other conditions being equal — by the largest number of tenants; and the Bill directs him also to consider the public interest in the matter of roads, drainage, irrigation, and public health. We think it desirable that as large a number of persons as possible should have an interest in the soil. We believe that by this scheme, which touches no private property, which affects only land held for public purposes by trustees, and which offends no principle of political economy, we offer the only safe means for enabling the poor to compete on equal terms, so far as their means allow, for the occupation of land with the rich. Offering, then, as we do, this security for the management of public lands in the public interest, we think it only fair to put an end at the same time to the prohibition of the dedication of lands to public uses. The logic of these restrictions is destroyed should the first part of the Bill pass into law. There can no longer be any danger to the State in the holding of lands in mortmain when you have provided for their management in the public interest. When you have done so, it becomes an injury to the poorer classes of the community that you should continue to place impediments in the way of the dedication to their use of lands. The mortmain laws were never passed for their economical, but for their political and social effects. What cause can you assign for so gross an interference with the public freedom as the prevention by Act of Parliament of the leaving of lands by will for public purposes? I can understand either of two views upon this point—either that you should discourage altogether the existence of endowments, upon the principle that when it is of public interest that something should be done, the State should do it; or that—and to this principle I should be the rather prepared to give adhesion—you should say, there are many objects deserving of public aid which may with advantage to the people be endowed from private sources, provided that the objects and management be submitted to State revision from time to time. So much for the provisions of the Bill. I will now turn to the consideration of certain special reasons why legislation is desirable at the present time. This Bill is an experimental proposal—a middle way between that advocated by those who aim at making all land public, and that of those who wish that every acre should be in private hands. This experiment we propose to try upon lands which are already public. If the experiment is to be tried at all, surely it should be tried first upon such lands as these. What has been the objection raised against State management of land? That State management will be inefficient or corrupt. But the management of these public lands is already, from the absence of personal interest in the managers, very much in the position in which State management would be when at its worst. Even if the experiment of State management were to fail, its failure upon these lands could hardly give us worse results than those against which we have already to complain. We propose an experiment which may logically receive support as such even from those who do not believe that it would succeed. We ask only, at all events, that the experiment should be tried. The State already controls one great Department at least as well as it could be worked by persons privately interested in its success. In other countries, not more pure than this, the railways have been placed under State control with much advantage. Under this Bill, the State would not—in the ordinary sense of the word—manage the public lands at all. Its province would almost be limited to the receiving of the rents. The strongest attack that has been as yet directed against State management of land was that made last year by Mr. Newmarch; but his only proof that State management would be corrupt was that management by the Ecclesiastical Commission, by colleges, by companies, by corporations, and by the Court of Chancery is inefficient or corrupt. He asked whether the promoters of this Bill had heard of "Bleak House;" but we answer that "Bleak House" is our case. Here are great properties, we say, mismanaged at the present time. We cannot well make matters worse if you let us try upon these admittedly mismanaged properties, the experiment of State control. Those who are the most desirous of keeping land in private hands, if they are right in believing that State management will fail should look with pleasure upon the trial of the experiment by us. If the failure prove to be as complete as they expect that very failure will give to them security far more solid than any which they now possess. There are many incidental, but at the same time great advantages of this Bill upon which I will not dwell. There are others who are far better acquainted than I can pretend to be, with its bearing upon cooperative tilling of the soil. My hon. Friend who sits for Plymouth (Mr. Morrison) may perhaps give the House the benefit of his great experience upon this point. There are other advantages of a less important character which—although very real—need not be dwelt upon at the present time. The only one of these that I will mention is the value that would belong to the public lands as a means for giving scientific instruction to the people. Mr. Hare once pointed out that by utilizing in our schools the facts about public land, of which by this very Bill we propose to you the collection, we should be providing for the people that practical training in the affairs of life which the wealthy draw from the management of their own estates. The only other point upon which I will at present speak is one to which already I have referred. It is our proposal fearlessly to repeal the laws which impede the dedication of land to public uses, and to urge the House to promote rather than to retard the disposition of individuals to convert private into public property. The Committee of 1851 reported that the law of mortmain is systematically evaded by the creation of secret trusts. Our proposal for its repeal must, however, not be looked at as standing by itself, but as a part only of our scheme. The law of mortmain may or may not have been a necessary law in the past; it may or may not be needed at the present time; but it cannot be contended that it will be anything but an encumbrance for the future if you pass the first portion of this Bill. It is idle to pretend that you need this law to prevent the exercise of undue influence over persons in their last extremity. How is it that you do so well without any such special law concerning death-bed dispositions of property of other kinds? Apart from any such statute, you have an ample protection against improper wills. Whether you repeal the law or vote for its continuance, a will is invalid if obtained by fraud, or by "undue influence"—a phrase to which the widest interpretation has been given. The operation of the present law of mortmain is capricious in the extreme, and the result has been a bewildering confusion of decisions and litigation—wasteful beyond all precedent. I have yet to hear the arguments by which can be justified the distinction made by the Mortmain Acts between land and money, and the grounds upon which, if public control were once secured, you would continue to prevent the nation benefiting by even the death-bed liberality of the individual. It is in what I humbly conceive to be the public interest that I move the second reading of this Bill.

MR. MORRISON seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Charles Dilke.*)

MR. GREGORY said, the hon. Baronet had, in opening his case, confidently affirmed that no man would dare to doubt the fact stated in the second paragraph in the Preamble of the Bill, that the lands in the hands of large corporations were badly managed. He (Mr. Gregory) ventured to challenge that allegation. He maintained that the lands in the hands of great corporations, so far from being mismanaged, were administered very successfully. He had some experience in this matter, and he could say that there were no lands in a better state of cultivation, or on which the tenantry were in a better condition. The hon. Baronet had stated that the Foundling Hospital had an estate of about 40 acres in this metropolis, producing a rental of about £5,000 a-year, being let on long leases on ground-rents. He was treasurer to the Hospital, and he sat every week as a member of the committee for the management of its affairs. He and almost every gentleman on the committee were resident on the estate, and passed over it nearly every day of their lives, and therefore they should know something about it. Besides, they had an inspector whose duty it was to report every Saturday on any dilapidations or changes that might have occurred, and to make suggestions. They had also a surveyor, and they found no difficulty whatever in dealing with the estate. It was true that at the end of 20 years the leases would fall in; but he was afraid the rental would be nothing like what the hon. Baronet had stated. The committee were contemplating a scheme for the future management of the estate when the leases should fall in; they might realize an income of £20,000 a-year, but it would not be until a considerable time had elapsed. As the hon. Baronet had taken the Foundling Hospital estate as a test in support of his Bill, he begged to meet him on the point, and to leave it to the House to decide whether he had made out his case. One great objection he had to the Bill was that it proposed to supersede the present managing Bodies by a new officer called an "overseer," and he would invite the attention of the Members of the Local Government Board to what they had to do—namely, to determine the qualifications of the gentlemen who were to act in that capacity. But who were to compose the constituency? That was a dilemma from which he hoped some of the hon. Gentlemen in charge of the Bill would extricate him. Were the commons to be represented in the election of these overseers? He could not regard the proposed inquiry into all estates as short of a revival of the Star Chamber, because all interested were put on the rack at the instance of the hon. Baronet. But perhaps the most extraordinary clause was that which gave powers for the unlimited purchase of land. Speaking from a solicitor's point of view, nothing would more benefit his profession, and therefore he hoped he would get credit for the most disinterested motives when he opposed that clause. In conclusion, he was constrained to move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Gregory.*)

MR. MORRISON, in supporting the Motion for the second reading, said, he agreed with the hon. Baronet who introduced the Bill, that property belonging to great corporations was not nearly so well managed as that which was in the hands of private owners. Let them go into any tumble-down district of that great metropolis and inquire who were the owners, and they would generally find that the property was held in mortmain. He had always taken a great interest in the co-operative movement, one of the difficulties in the way of which was the existence of prejudices of a social kind which existed against working men in trying to acquire land. To a certain extent there was an honest assumption that working men were not able to carry out these operations, and it was notorious that a feeling of antagonism was springing up against the spread of co-operative associations which might in future seriously hamper their operations, and which it was desirable in the public interest to remove. In answer to that objection, however, he would say that the Bill did not propose to give to them any advantage which private persons did not equally possess. It should be recollected that the overseer would not have the power of himself to let the land or other property to any individual. He would only have the power of recommending individuals to the Boards, and it would be for them to decide on the matter. But if the Boards dissented from the recommendation of the overseer, they would be bound to give their reasons; and if the overseer suspected a job, he would have the right of appeal to the Local Government Board. The hon. Member who had moved the rejection of the Bill (Mr. Gregory) said he viewed the clause which gave the overseers full power to inquire into estates as a sort of revival of the Star Chamber. The hon. Member forgot that Acts of Parliament and legal tribunals which were constituted in bad times Courts of Inquiry of that kind were obsolete. But all the clause practically did was to confer on the overseers various powers of inquiry which had been conferred from time to time on the Charity Commissioners, and to enable them to take the place of the present Governing Bodies of charities. There was a special reason for considering at the present time the question of the management of charity lands, because there was a large amount of property which, under the Endowed Schools Commission, was being transferred from the hands of those who had held it hitherto. The object of the first part of the Bill was to substitute skilful and professional management for management by Governing Boards, which was generally admitted to be very inefficient, especially when dealing with landed property scattered over wide districts, for the practice against which the first Charity Commission was appointed to guard—namely, that of allowing charity lands gradually to disappear—had not yet entirely ceased. With regard to the statute of mortmain, he admitted that that law had in other times been of the greatest possible value; but he thought that the danger which Parliament had formerly to guard against had now passed away, and the giving of land for public uses should be encouraged in every possible way, because if, at any time, evil arose therefrom, Parliament would be able to put a stop to it. They must not forget the Socialistic cries raised, he regretted to say, with regard to land and other subjects, and the cry which was getting up for the impossible theory of the nationalization of the land of England. It would, however, be of great benefit if, taking their place in a sort of half-way house, they could meet some of the demands coming from outside. He should deprecate the management of the public lands by the State, but the present Bill would create a class of officials who would have the advantage of being disconnected with all party. The Bill proposed the appointment of overseers of public lands as registrars, stewards, surveyors, and managers for the administering Bodies, and as those administering Bodies would no longer benefit by the profits, it could not but happen that the property would be much improved by the expenditure which must of necessity be laid out upon it. Another provision was that these overseers should not, unless for exceptional cause, have a greater area to superintend than 200 square miles, and the Local Government Board was to determine the qualifications of the candidates for the office of overseer, who were to be elected by the administering Bodies, as well as the area and extent of the several constituencies. It must not be forgotten that land would rise and money would fall in value, and they had no right, in order to save themselves a little trouble, to allow property which was destined to grow to an enormous value to be disposed of or lost. It was principally with a view to prevent such a result that he had been induced to place his name on the back of the Bill.

SIR FRANCIS GOLDSMID said, that having taken a great interest in the protection of commons, he must express his regret to see the title of the Commons' Protection Bill applied to so crude a measure as the present. He admitted that public lands were worse managed than private lands; but the hon. Mover of the Bill, who stated himself to be as thoroughly convinced of the mischiefs of the general system of the management of public lands, proposed to repeal the Mortmain Act, and by removing the restrictions contained in that Act to cause the public lands, the management of which he denounced as execrable, to become much larger still in extent. What was the general scheme they were called on to discuss? It was difficult to make out what were to be the constituencies for the first election of the overseers under the Bill, for the interference of the Local Government Board was required for defining the area and other particulars of every such constituency. But it was still more absurd that each of the constituencies obtained with all this difficulty was never to act but once, since every vacancy among the Overseers was to be filled up by the nomination of the Local Government Board. Thus, the ardent and radical Reformers by whom this measure was brought forward, proposed to hand over all the public lands in every district to the almost uncontrolled management of an officer selected by the Government. Then, again, in case of difference between any overseer and an administering Body as to the acceptance of tenants of public lands, the matter was to be decided upon by the Local Government Board, though it was difficult to understand how that Board could acquire sufficient knowledge to judge between the overseers and the administering Bodies scattered all over the country. His hon. Friend declared that it was not in the least intended to give a preference in granting leases to co-operative Bodies, but the 15th clause of the Bill gave them a preference in express terms. The hon. Member for Plymouth (Mr. Morrison) was somewhat indignant at the observation of the hon. Member for East Sussex (Mr. Gregory) that the Bill proposed to give to the overseers the powers of the High Commission Court under King Charles I., and thought that this could not be, because those powers had long been repealed. But this only showed that the promoters of the Bill had not read their own clauses, one of which (the 23rd) would give to the overseers all the powers of inquiry, not only which are now, but also which have heretofore been possessed by any Commission or Commissioners. It was difficult to devise words more apt for reviving the powers of Charles I's. High Commission. The Bill was altogether a most ill-considered measure , and the House could not do better than to agree to the Amendment.

Lord HENLEY said, that having been asked by some of his constituents to support the Bill on the ground that it would facilitate the acquisition of land by the working classes, he had looked into it, and was obliged to tell them that it seemed to go in the opposite direction, for, as the hon. Member for Sussex had shown, it would prevent land coming into the market. Even supposing it would facilitate the acquisition of small holdings, it was doubtful whether the subdivision of land would operate here as well as in France, where small holders managed their affairs with greater prudence than he was afraid could be looked for in England. In this country land seldom came into the market in sufficiently small lots to enable working men to purchase it; and when it did it fetched a price equal to 35 or 40 years' purchase, and paying less than 3 per cent, which placed it out of the reach of the working man, who wanted a greater return for his money.

Mr. WHALLEY supported the Bill, maintaining that all they had to do with at present was its Preamble, which truly asserted that there was great abuse in the management of lands devised for charitable purposes. He maintained that the Communistic suggestion of the noble Lord about the division of the land of England into small portions was not within the four corners of the Bill. It was most important that the land of the country should be under the notice of the public eye, and under the control of its hand, and he did not think any greater service could be rendered than by giving a Bill like this a fair consideration.

Mr. HINDE PALMER said, he would at once admit that land devoted to public purposes had not been fitly managed, and the accounts had not been properly rendered, or made public to the extent that they ought to have been. He thought, therefore, that it was desirable that greater facilities should be afforded for securing the better management of charity lands, and for the right rendering of the accounts. But the Bill went beyond these requirements. He thought the Bill objectionable because it started with the supposition that the gift in mortmain of all corporate property was of necessity bad in principle, and then by repealing the statute of George II., it went on to facilitate the acquirement of such property to a far greater extent than it existed before. No doubt the Bill was framed with a good design, though it contained so many things objectionable. For instance, no one could deny that greater publicity with regard to the management of public land was desirable; but the 23rd clause gave too much inquisitorial power to the overseer whom it was proposed to appoint; and it never could have been expected that the House would pass the next clause, which gave him power to purchase land on public account, and to pay for it with any money in the hands of the Charity Commissioners, without regard to the locality or particular charity to which such money belonged. Anything more inconsistent he could not conceive. He did not think it desirable that wherever laxity existed they should be called upon to appoint a public officer to remedy the shortcomings of local authorities. The Charity Commissioners had power to undertake investigations, if set in motion by an expression of local opinion; and the misfortune was, that sufficient interest was not taken in the management of public property. If the Bill were capable of Amendment in Committee, he would vote for it; but, with all the crudities and inconsistencies there were on the face of it, he was obliged to oppose it.

MR. LEEMAN said, he hoped none of the hon. Gentlemen whose names were on the back of the Bill had anything to do with the drafting of it, for it seemed as if the object of the draftsman had been to take care that there should be no connection between the Preamble and the enactments. Even the title was a delusion and a snare.

SIR CHARLES W. DILKE said, the promoters of the Bill were not responsible for the printed title, because that which they furnished to the House printers was "Public Lands and Commons Bill."

MR. LEEMAN continued by saying that the full title was no better than the shorter one. He asked the House to listen to the wholesale character of the Bill. From the title, as furnished by the hon. Baronet, and the speech which he had made, it would be supposed that it referred mainly to the common lands of the country; but when the 1st clause came to be explained by the interpretation clause, it was found that the Bill applied to all lands under the superintendence of Parliament, under the Commissioners of Woods and Forests and Public Works, the Ecclesiastical or other Commissioners, lands vested in any corporation or trustees, or any other person or persons, for ecclesiastical, collegiate, municipal, charitable, or other public uses or purposes, or held in perpetuity for any use not private. Well, that was about the most modest proposition that he had ever heard in that House. The hon. Gentleman proposed that an overseer be appointed for every 200 square miles to take charge of all the public lands within that area. As a member of a municipal body, and speaking, he was sure, the sentiments of the other municipal bodies of the country, he did not ask the interference of the hon. Baronet in reference to the management of the property belonging to those Bodies; and of all the propositions he had ever heard, that which asked that an overseer should be appointed to take under his control the whole of the public lands, including the ecclesiastical lands of this country, was the most extraordinary. He must tell the hon. Baronet that the land managed by the Ecclesiastical Commissioners had been well managed by them, and no overseer of the hon. Baronet's appointing would manage it better than it was managed now. The municipalities which had large landed property, such as Liverpool and Leeds, and many other large towns, had never asked for this Socialistic Bill. It was a great mistake to say that there was no publicity in reference to the management of the property aimed at by the Bill, and the hon. Gentlemen who drew it up could have known nothing whatever of the mode in which public property was managed. It had been said there were abuses with regard to charity lands. Well, there was already a tribunal to which to appeal; there was a body of Charity Commissioners, who had dealt with these abuses in a great many instances, and the hon. Member could surely never have read the Reports of the Charity Commissioners to that House. If he had, the hon. Member would have found that those Commissioners had stated in their last Report that they could act only when put in motion by local action, and that it would be desirable that they have power of their own motion to investigate abuses. Again, let the House look at the power which this overseer was to have over the property of the whole public bodies of the country. He was to be steward, receiver of rents, and manager of the whole estates over his 200 square miles. He was to have a commission, the amount of which was left blank in the Bill. He was to have charge of the whole of the properties, and he was to have power, without asking the authority of the particular locality, to purchase any land which in his judgment was for the benefit of the existing property of the trust, and he was to pay for it out of the Government or other securities held in trust for any charity or charities under the provisions of the Trusts Act of 1853. One could not conceive that any person could make such a monstrous proposition as that the overseer should purchase land, and pay for it out of charity funds belonging to somebody else. In short, the whole Bill was so full of these extraordinary propositions that, with very great deference to the two hon. and learned Gentlemen who sat on the Treasury bench (the Home Secretary and the Attorney General), he wondered they had had the patience to listen for such a length of time to the discussion; and that they had not risen long ago to put their foot on the Bill, which was one of the most monstrous, in his judgment, that could have been proposed to the House of Commons. The powers in the body of the Bill did not carry out the Preamble, so far as it purported to give to the working classes facilities for the purchase of small quantities of land, but really went to tie up all public property in the hands of this new creation of the hon. Baronet—this notable overseer. He could not but regard the Bill as a phantom which would in no way benefit the working classes, and as a measure which the House ought at once to reject as utterly mischievous and unworkable.

The ATTORNEY GENERAL said, that after the pointed appeal which had been made to the Treasury bench he could not remain longer silent. He would, therefore, try the endurance of the House no longer, though he should have regretted to have risen earlier and deprived the House of the enjoyment of listening to the speech just made. He very much regretted that the hon. Baronet and those who were associated with him had thought fit to bring forward such a crude, idle, and destructive measure before the House. He did not feel any political or party gratitude to persons who brought forward a very serious and important and interesting subject in a manner, to say the least, so very ill-judged. The preservation of open spaces for the enjoyment of the people and the maintenance of rights of way were matters which it was creditable to bring before, and which in themselves were well worthy of, the attention of the Legislature; but it only brought discredit on subjects which ought not to be discredited when they were handled in a manner of which the Bill gave an example. He was perfectly sure that the persons who drew the Bill must have been persons of extreme ignorance of legislation. To appropriate a saying of a person gone to his rest some time ago, if the hon. Gentlemen whose names were on the back of the Bill had read the Bill once they they had never done what they were inviting the House to do, and that was to read it a second time. The first objection he would state to the Bill was connected with the interpretation clause. By the definition there given of the word "lands" all the docks in the country, the London Docks, the Mersey Docks, and all others, would be transferred to the overseers. Could anything show more successfully the carelessness with which the Bill had been drawn, than that not only the docks, but all the public property of the country, should pass into the hands of the overseers? Another objection, which was destructive of any serious consideration of the Bill was, that as its real effect was to make the Government hold all the public land in the country in its own possession, it would soon happen that one Department of the Government would have in its hand and under its control by far the largest landed estate in the country. Now, was that a matter which could be tolerated? It would be a dangerous thing even so far as the administration of the property itself was concerned. Certain other subjects well deserving of attention did not come within the Bill at all, such as commons, with lords of the manor having large private rights over them, rights of way, and the like. The last point which he would mention as meriting consideration was, that it was proposed that in any question of right of way, all the overseers had to do was to stick up a notice and refer the matter to the Attorney General, who was to maintain the right of way at the expense of the county rates. There were other objections to the Bill which he need not enumerate. The measure had evidently been very little considered by its promoters, and had been produced in such an unworkmanlike shape, that the Government could not allow it to be read a second time,

SIR CHARLES W. DILKE, in reply, said, that it had not been thought necessary to have the approval of corporations to the Bill, because it had been advocated on public grounds, and it had been shown that the lands in the hands of corporations were mismanaged. They might as well expect an intimidating landlord to ask for the Ballot on behalf of the people, as to expect corporations to ask for a Bill like this. He should certainly go to a division, believing that the principle would come up for discussion again before long.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 17; Noes 184: Majority 167.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

SALE OF LIQUORS ON SUNDAY BILL.

(*Mr. Birley, Mr. Candlish, Mr. Robert Fowler, Mr. Osborne Morgan.*)

[BILL 78.] SECOND READING.

Order for Second Reading read.

MR. BIRLEY, in moving "That the Bill be now read a second time," said, he was not very sanguine of success; but still he felt convinced that the movement in favour of the closing of public-houses on Sundays had made great progress out-of-doors, and that there was a strong impression in favour of it among many Members of that House. In former debates reference had been made to the Report of the Select Committee appointed in 1868, on the Motion of the late Mr. John Abel Smith, to inquire into this subject. That Committee did no doubt report that, considering the present system had worked satisfactorily, they were of opinion that further legislation of a restrictive character was not required; but it was his (Mr. Birley's) opinion that if the same hon. Gentlemen were again to consider the question, they would not bring downstairs such a Resolution as that, for it was the general conviction that further restrictive legislation was imperatively needed. There was abundant evidence of the desire on the part of the public at large for the closing of the public-houses and beer-houses on Sundays. They heard it emphatically expressed by the magistrates, by the ministers of religion, and by the people at large. Nay, more, there was a strong feeling in favour of it among the keepers of public-houses themselves. He would not say the majority of them were in favour of it; but, at all events, he would say that there were as many in favour of it as were opposed to it. There were, however, some hon. Members who said that, however desirable the measure might be, it was inapplicable to the present state of society in this country—that it could not stand—that it would not be submitted to by the people of England. He confessed that there was some difficulty in the question from that point of view; but it could all be easily overcome, if they would only trust to the good sense and judgment of the people themselves. Had he not reliance on that, he would not be a party to any of the Bills now before the House for interfering with the sale of intoxicating liquors. It must be on the fair expression of the feeling of the people, and on that only, that any restriction like this ought to be imposed upon them. He was willing to admit that the very rigidness of the rule of universal closing, which he advocated, in itself constituted a difficulty, as rules which might not be suitable to one place would not be suitable to another. It might be that some places were ripe for legislation of this kind, while others were not. He often wished they could go back to the old Court Leets, and that they might be permitted, in their different manors, to enact by-laws for the good conduct of all residing on the manor. It seemed to him that there was, in the jurisdiction of those Courts, an admirable combination of authority and of local self-government, and that drunkenness was kept down by the free voice of the people, which was much better than the hard iron rule of the police. From the old records it was quite clear that the management and control of public-houses and inns frequently engaged the attention of those tribunals, and it seemed to him there was greater temperance in those days than was the case now. He did not attribute that to greater purity or virtue, for there were other causes at work. In the first place, there was a greater supervision with respect not only to the sale, but to the quality of the beer. In the next place, there was very little spirits consumed; and lastly, the people had not much money to spend. He found that in one case, where a man was fined 6*d.* for an assault, on it being presented that he was intoxicated at the time he committed the assault, he was further fined 5*s.*, so that his drunkenness was considered a ten-fold aggravation of the offence. He did not, however, wish it to be supposed that that was the proportion which it was intended to establish between the one offence and the other; but, at all events, it showed that they were then prepared to inflict heavy penalties for the offence of drunkenness. He would now direct attention to the state of the law in the colonies on this subject. In Melbourne the closing of public-houses on Sunday had led to the most beneficial, moral, and social results. As a confirmation of that fact, he would read the following letter from a gentleman who had filled a responsible position in that colony:—

> "I know well what scenes disgraced our streets in Melbourne before the passing of the Sunday Closing Act, and I know well also the order and prosperity now observed therein. I have travelled through most parts of Europe, have traversed the United States, and have a fair knowledge of Great Britain; but in no place have I seen so great an amount of sobriety, cheerfulness, and rational enjoyment on the Sunday, without the opening of hotels, as in Melbourne. In spite of the assertion that drink is sold within closed doors, and that no pressure is particularly exerted to enforce the law, there is public spirit enough in that enlightened community to recognize the value of the Act, and sufficient firmness to maintain it. Apart from the mere religious question, it is believed quite possible to enjoy life on Sunday without the sale of alcoholic drinks. Men take their wives and children with them for recreation on part of that day, instead of selfish indulgence, as in other places, at the public-house."

In Canada, too, the law worked well, and there the public-houses were closed all through Sunday. It was the same in Newfoundland. In Bermuda, the tavern-keepers could supply intoxicating liquors on Sundays to travellers and guests, and that not separately, but in conjunction with other refreshments. In New Zealand, too, the law of Sunday closing was in force, and worked well. He should have thought that Melbourne might not have been beforehand with this country in the course it had taken in this matter. There was another Bill with the same object now before the House—for the prevention of the sale of intoxicating liquors in Ireland on Sunday. That Bill had not hitherto met with any direct opposition. One of the greatest objections that had been raised against the passing of the Bill was, that it was of that class of legislation which indicated that "there is one law for the rich and another for the poor;" and it was argued that while the rich man had his "club" to go to on the Sunday, the poor man had not. He ventured to say that very few of that class who had clubs went to and used them on Sundays; while, on the other hand, the public-houses were frequented by large numbers of the labouring classes on that day, many of whom habitually indulged to excess in them. He was not one of those who advocated the abridgement of the rational enjoyments of the working classes; on the contrary, he would extend them. The public-houses, appropriated to their proper uses, were intended for the supply of necessary refreshment for the working classes; but he did not think it desirable that they should be open on the Sunday. If English working men had their clubs not for indulgence to excess, but as places for resort for necessary refreshment and comfort, there would be no opposition to them. He felt that the objects of the measure which he was now advocating were well worthy the consideration of this House. Let the House consider what was the effect of keeping public-houses open on Sunday. It was a day which, instead of being regarded as a blessing, was by many devoted to excess in drinking, and was thus rendered productive of evil; it was a day on which the hard earnings of the week before were sadly wasted; it was a day on which the excessive indulgence in intoxicating liquors left the labouring man less able to do his work on Monday than he found himself when leaving work on the Saturday evening; and it was a day on which, more than any other day of the week, he should abstain from such excess. He (Mr. Birley) had not thought it necessary to trouble the House either with details of the Bill, or with statistics that had been before it on former occasions, when the subject was debated; but he felt that in submitting the Bill to the consideration of the House he had done his duty to his constituents and to the country; and he did so, not that he was very sanguine of immediate results, but in the great hope that in the future they should find a united people of all classes willing to apply a remedy to the great evil which the Bill was intended to deal with. He would conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Birley.*)

MR. FIELDEN, in moving that the Bill be read a second time that day three months, said, he wished to give every credit to the hon. Member who had moved that it be read a second time. With all respect for the hon. Gentleman, however, he looked upon the Bill as a "libel" on the great mass of the labouring people of this country. What the hon. Member was bound to do he had failed to do. When trying to impose restrictions upon the people, what he was bound to do was to prove that a large majority of the people of the country were addicted to drunkenness and indulgence in intoxicating liquors on Sunday. Now, he had not done that. When the hon. Member tried to find facts to fortify his position he failed in his effort. Let the hon. Member say what he liked, anyone who looked at the measure must come to the conclusion that it was an attempt at class legislation, and that it was a Bill that would affect the labouring class alone, and not the upper and middle classes. Why should the labouring man, who was living from hand to mouth, and who had no means of procuring refreshment, be precluded from obtaining what was necessary for him at the public-house? The upper and middle classes throughout the country could have everything they required at home, or at their clubs. But the labouring man had no club, and if that Bill was permitted to pass, the door of the public-house would be shut against him, whilst the rich man would have what he desired at his mansion or his club. He asked the House, was that the way to encourage loyalty in the labouring classes? He maintained that the arguments in support of such legislation as that now proposed came to and meant this—that the labouring classes of this country were so addicted to drunkenness that they could not control their passions; but that had never been proved. He knew that there was a great cry that the Bill was much required; but they knew how the agitation was got up, and how representations were made by a few energetic men, who got up returns contrary to what was actually the case. For instance, he had received that morning from Leeds a memorial that might, for aught he knew, have been intended for presentation to that House, but which was addressed to himself. It spoke strongly of the evils of drunkenness, and was signed by 77 ministers of religion. He had no doubt that those clergymen objected to the present state of the law relating to the system with which the Bill of the hon. Member proposed to deal; but he was satisfied that if they considered the matter, and looked at it carefully, and not from any narrow stand-point, they would draw different conclusions from those to which they had come. He must say that it would be gross tyranny to take the course proposed by the Bill—a course which would deprive the labouring classes of their undoubted right to decide for themselves whether they required refreshment or not. There were one or two points to which he wished to call the attention of the House. There were many working men throughout the country whose places of work were at long distances from the abodes of their families, to whom they could only return home on the Sunday, and ought those labouring people on that day of all others when they are with their families to be deprived of the means of getting a pint of beer? ["No, no!"] Well, he maintained that the Bill of the hon. Member would deprive them of that right. Rich men who agreed with his hon. Friend ought to shut up their wine cellars on Sunday, and thereby set an example of self-denial to the working classes. There was another class of men alluded to by the right hon. Member for Oxfordshire (Mr. Henley) last year—the men who slept in lodgings, but got their food in public-houses — who were often most valuable workmen. He asked the House what those men were to do if this Bill became law. Where were they to get their dinner and the pint of beer, which, whether that Bill passed or not, they were determined to have? Another most strange thing in regard to that Bill was, that if a man chose to leave his wife and children to take their dinner alone, and walked or took the train five miles into the country, he could get as much beer as he liked. What would be the effect of such a Bill in London? It was not uncommon for gentlemen—and even Members of that House—to go to Greenwich or Richmond on Sundays and dine, and not restrict themselves to the use of water. The great mass of the people whom hon. Members on the opposite side were now flattering, would say — "You pass a measure to prevent us getting our beer —which we have a perfect right to have —and you allow your own Members to go to Greenwich, Richmond, or anywhere beyond five miles, where they can get as much drink as they choose." He was satisfied that they could never, by any enactment on the subject, prevent drinking in this country. Such legislation was opposed to the habits of the people; and if they closed the public-houses to morrow, they would only drive drinking into the back streets and slums. They would not stop it, but they would make it a more discreditable thing than the excess of it was now. What was needed was, to take care that the people should have pure, unadulterated drink. It was not the amount of drink that men took that made them so beastly drunk and produced such scenes in their large towns; because, in other countries, where beer was pure, and where it was largely drunk, there was scarcely any drunkenness. If they were to set to work, and instead of passing these absurd and impracticable measures, take care that the people were not poisoned when they drank the national beverage, they would do more to remove drunkenness than by any other means. The promoters of the Bill seemed to ignore the fact that restraints of this kind had been adopted, and had totally failed and he was surprised that the hon Member had not informed himself of what had been the effect of legislation in times past. Colonel Wilson-Patten's Act was passed in 1854. That Act limited the hours of drinking on Sunday to between one and two and from six to ten. But it worked so hardly and created so much discontent, that in the next year a Select Committee was appointed to inquire into its operation. That Committee reported as follows:—

> "Your Committee are further convinced, from the evidence produced before them, that the Act of last Session restricting the sale of beer and other liquors during certain hours on Sunday has been attended with unnecessary inconvenience to the public, and they therefore feel it to be their duty to recommend to the immediate consideration of the House an Amendment of the Sale of Beer Act, 1854, which will admit of the opening of the licensed houses from one to three and from five to eleven in the afternoon of Sunday."

He would ask the House whether, after the experience of that Act, which only restricted the hours of opening on Sunday by about two hours, they were going to commit, not the same error, but a greater error than was committed on that occasion? They should in these matters be guided by experience, and not by sentiment. The hon. Member had referred to a similar Bill applicable to Ireland; and he (Mr. Fielden) had only to say that he would have taken the same course with regard to that Bill, if the hon. Member who had charge of it had not chosen to talk out his own Bill.

Sir DOMINIC CORRIGAN: I did not talk out the Bill. The Speaker interrupted me, and stopped my speech at a quarter to six o'clock.

Mr. FIELDEN said, that that was only another way of putting it. It was common to say that Members talked out their Bill when they talked till a quarter to six, and as the hon. Gentleman knew that he could not speak longer than that, it might be concluded that he talked out his own Bill. With regard to the colonies, they must be very careful before they acted on evidence from them, without knowing the character, habits, and circumstances of the people. In Yorkshire, before he was elected, he remembered that a Permissive Bill man told him that the law regarding the sale of intoxicating liquors worked perfectly well in Maine. He made inquiry of other persons who had travelled in Maine, and who were capable of observing what they saw, and he found that the law was a dead letter, and that anyone could get as much drink as he liked. They must be careful of adopting the legislation of the colonies or other countries, unless they knew all the facts. He believed that if they passed the Bill it would not have the effect which the hon. Member wished it to have, and that it would be looked upon as a piece of class legislation by the labouring people, and he therefore begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Joshua Fielden.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. OSBORNE MORGAN said, the hon. Gentleman who had just spoken had addressed to the House an argument which, for want of a better name, he would call the rob-a-poor-man-of-his-beer argument. Whatever force that argument might have alone, used against the Permissive Bill, he maintained that it had no force and application when addressed to the Bill under discussion. Nine out of ten men who went to public-houses on Sunday went there not for rational enjoyment, not for the purpose of recruiting exhausted nature after a hard day's work, but simply and solely for the purpose of getting fuddled. That was a day on which they could have no work to do. The hon. Member talked a great deal about the hardship which the Bill would inflict on the poor working man who wished to spend the Sunday in the bosom of his family, and who desired to have his jug of beer fresh from the public-house. That was a mere matter of detail, and as one of the promoters of the Bill he was quite willing to insert a provision giving liberty to public-houses to sell beer to be drunk off the premises. It was not against these persons—it was not against the industrious artizan who wished to enjoy his dinner and his jug of beer on Sunday—that the Bill was aimed. It was aimed against a very different class of persons. The Bill was intended to protect those miserable beings whom anyone who had walked through the streets of London, Leeds, or Liverpool must have seen huddled together round the doors of the gin-palace, trying to tear themselves away from the terrible temptation, and hovering like moths round a lighted candle. These were the persons whom the Bill sought to protect against themselves. The hon. Member objected to the Bill that it curtailed the liberty of the individual, but the same thing might be said of any legislation: it was so of the Factory Acts, it was so of the Mines Bill, it was so of the Licensing Bill; in fact, if they pushed the argument to its proper conclusion, they would keep the public-houses open throughout the whole of Sunday, because it was quite possible that a man would feel thirsty between the hours of 11 and 1 or 3 and 5, and wish to slake his thirst at a public-house. All these questions were questions of degree, and the question which they should put to themselves was this—did the paramount interests of society require that these restrictions should be imposed? He did not think hon. Members knew what a great parent of drunkenness in general this Sunday tippling was. A man found himself in possession of a holiday and a week's wages. His home was not very attractive. He had no resources, in the sense in which they used the word. All places of amusement were closed to him. He did not go—and probably had not the clothes to go—to church; but there was one place which was open to him, and that was the public-house. The result was that he acquired a taste for drinking which grew into a permanent habit; and was not that a thing at which it ought to strike by legislation? The hon. Member said that the Bill would not work, but it did work in Scotland. A similar measure worked perfectly well in Glasgow; and according to the evidence of the hon. Member for Edinburgh (Mr. M'Laren), that city had been actually saved the building of an additional wing to the prison since the Forbes M'Kenzie Act came in force, an argument which was unanswerable to a Scotchman. It was said that the Bill introduced one law for the rich and another for the poor, and that if they shut up public-houses they ought, by parity of reasoning, to shut up clubs. If clubs were used for the same purpose for which public-houses were used, he would be in favour of shutting them not only on Sunday, but every other day in the week. There was, however, no analogy between the two. Men went to public-houses to get drunk. ["No, no!"] Well, they got drunk there; but as a general rule men did not go to club to get drunk. No doubt the effect of the Bill was to introduce a different system for clubs and public-houses; and, under those circumstances, it was most important they should know what were really the opinions of the working classes on the subject. If they went to Wapping and interrogated the intelligent classes there, they would declare by a large majority in favour of the Bill. That would be especially the case with their wives and children, because they knew that it was that habit of Sunday tippling which made the day of rest the blackest day of all the seven—which made it, instead of being a blessing to the working man, fraught with misery in the present, and helpless, hopeless ruin in the future.

MR. R. N. FOWLER: My hon. Friend (Mr. Birley) quoted the testimony of clergymen against Sabbath desecration as a fearful evil. I admit this; but it seems to me that it is quite natural that ministers of religion, from the very nature of their education, should support a Bill like this. The hon. Member for the Eastern Division of the West Riding of Yorkshire (Mr. Fielden) said we ought not to take the colonies for our example in this respect. If so, then we ought not to take their example in politics and other social questions. I hope the House will consider the vast amount of crime resulting from intemperance, and support the Bill of my hon. Friend.

SIR DOMINIC CORRIGAN: I have not been disappointed in the triumphant defence from my hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan) of the operation of the restrictive law in Scotland. That Act has been in existence for 17 years, and for the last 10 years no Petition has been presented for its repeal. That fact is so triumphant a defence of the measure that I do not wonder that the hon. Member for the Eastern Division of the West Riding of Yorkshire (Mr. Fielden) carefully avoided that part of the question. The hon. Member said drunkenness had diminished on Sundays. Let me read a passage from a Dublin paper, *The Freeman's Journal*—

> "The police courts presented a frightful appearance this (Monday) morning. A great majority of those in attendance bore marks of violence, such as black eyes and broken heads. In the northern division there were 140 cases, and in the southern 114. A person looking at the crowd without knowing the cause would think a great battle had taken place."

[An hon. MEMBER: That was not in England.] In deference to the feelings of English hon. Members, I have not quoted, as I might have done abundantly from English newspapers, for in them I find cases of drunken navvies dashing out the brains of their paramours and murdering their children on Sundays. In Scotland, there were cases quite as bad arising from drunkenness, before the passing of their Bill. Their stock objection against the Bill was that it was a piece of class legislation. It was said—"If you permit a rich man to take his glass of ale or brandy in his club, why should not the poor man be permitted to go into the whisky shop and do the same thing?" There is no analogy between the whisky shop and the club-house? In the club-house, the social position of every member is ascertained before admission, and the club-house is not, like the whisky shop, open to every comer. No one not a member will be served in the club-house, but the whisky shop is open to all—and this indiscriminate admission is, in itself, an incentive to crime. In some portions of Ireland—through the influence of the Roman Catholic clergy—no member of the trade sells strong drink on Sunday, and the effect has been most beneficial. Crime and drunkenness have diminished, and morality and domestic happiness have greatly increased. I should like to see club-houses open for the poor on the same principle as they are established for the rich. It was said, educate the people; but we cannot wait for this. When I see my neighbour's house on fire I must first endeavour to extinguish the flames; that is a matter of immediate necessity, and then provide measures for the better education of the people. Another pathetic picture drawn was that on Sunday the poor man could not get his glass of beer for dinner. Cannot he get it on Saturday. ["Oh!"] It was objected that it would not keep. Well, that was a good argument for closing on Sunday; for if the beer was so bad that it would not keep a single night, the poor man would take care to buy beer on the next Saturday that would keep, and the seller of bad beer would lose his custom. It was said that the closing of public-houses on Sundays would give rise to illicit drunkenness. That was not likely, for the publicans themselves would act as most efficient policemen to prevent a result so contrary to their own interests. The hon. Member (Mr. Fielden) said that Colonel Wilson-Patten's Bill had led to many complaints; the reason was because it was a partial closing Bill. Had the houses been closed on the whole of Sunday then the people would have provided for themselves beforehand; but the partial system led to disappointment. The failure of the partial system was, however, no argument against total closing.

MR. H. B. SAMUELSON: I cannot understand why hon. Members should come before the House to ask for a law to prevent a particular class of men from obtaining intoxicating liquor on a particular day of the week, or why they should draw distinctions between one day and another in this respect, and make such a pretence of wishing to pass this Bill for the good of the working classes. Is drunkenness a vice confined to a particular class? I dare say many hon. Gentlemen in this House know very well that that is not the case. Why, then, should hon. Gentlemen be so desirous to put these restrictions on working men alone? There is a good deal of humbug spoken in the House about the working men. In England one man is as good as another, and what business have we to pat the working man on the back and say—"You're a very good fellow, but we must keep you from drinking on Sundays." Why, the working man has just as much right to buy his glass of beer, and drink it on Sunday as any hon. Member has to go into his dining or smoking-room and refresh himself. The hon. Member for Denbighshire said that people went to public-houses on Sunday purposely to get drunk; but I do not believe it. I am not an advocate for keeping the public-house open the whole of Sunday; but that being the working man's leisure day, he should be afforded reasonable opportunities for obtaining refreshment. What is sauce for the goose is sauce for the gander. If you exclude the workman from the whisky shop, exclude the gentleman from his club. I wish to see working men's clubs accessible to the working men, where they may obtain rational recreation and reasonable refreshment. I cannot see, however, that a crime is worse because it is committed on Sunday than if committed on Monday. To reduce the number of public-houses will have some effect in putting a stop to drunkenness. The spread of education will, however, do more than the closing of public-houses on Sunday. I have myself been in countries where public-houses are closed on Sundays, and I know that the result of those restrictions is the very opposite of that intended by the Bill. The working classes ought certainly to have increased opportunities afforded them of obtaining rational recreation on Sundays, and thus of avoiding the temptations that surround them. At present it may be said that, with our museums and public galleries shut up on Sundays, the only alternative left to the working man is to promenade the streets, with gin-palaces staring him in the face at every corner. If we pass such a Bill as this into law, there will be a violent reaction against it. The working men will not submit to be treated differently from other classes in this respect, and a strong feeling will be aroused if the House shall pass a measure so harsh, unreasonable, and arbitrary as this. Then there is another objection to the Bill—namely, the definition of a traveller. I consider that portion of the Bill particularly absurd, because the declaration that a person shall not be held to be a *bonâ fide* traveller, unless he is five miles from his home, will lead to the construction and maintenance of a cordon of public-houses and large refreshment houses all round our towns, specially devoted to supplying the wants of the so-called travellers. Besides which, it seems to me supremely ridiculous to declare that a person who has had a hot walk of three or four miles cannot need and shall not procure refreshment, while a person who has travelled three miles in a railway carriage is to be allowed to obtain as much as he pleases. In conclusion, I think the Bill is well meant; but its passing will stimulate a violent and general agitation throughout the country, which, I believe, the promoters of the measure will be the first to deplore.

SIR LAWRENCE PALK said, he intended to vote against the Bill—first, because he thought the question was one which, if dealt with at all, should be dealt with by the Government, and not by any private Member; secondly, because if the Bill passed, it would inflict a peculiar and special hardship on the working classes; and, thirdly, because the Bill applied to the country as well as to large towns, the circumstances being entirely different. Take the case of a small hamlet in a rural district. A son employed at a distance say of four or five miles during the week, naturally desired to pay his parents a visit on Sunday. Would it not be a great hardship that he should be prevented from getting a glass of beer, or, as in the county with which he was connected, a glass of cider? The evils aimed at by the Bill could not be put down by such legislation. One of the most effectual ways of doing so would be, so far as possible, to raise the character of public-houses themselves. It was in the back streets and slums, and in public-houses and beershops of low standing, that drunkenness and disorder were fostered. He recollected an instance of that in a town which he frequently visited. There was in a back street such a public-house as he had described. Some alterations removed a considerable amount of property, and threw the quarter open. A respectable shopkeeper erected a heap of materials in front of the public-house, in order, as he said, to shut it out from the public view, but he advised him to "take all that stuff away," and let the public-house become public. The result war that its character was improved, and a short time after it sold for double its former value. The Bill would not in any shape attain the objects of those who had introduced and supported it, and he should give an unhesitating vote against the second reading.

Mr. COBBETT said, he only rose to remind the House of what had taken place some years ago, when a Bill was passed far less stringent than the present. In 1853 that House agreed to a Bill for closing public-houses during certain hours, on the Motion of the right hon. Gentleman below him (Colonel Wilson Patten). That Bill gave rise to general dissatisfaction, and even caused something like violent riots in Hyde Park and the neighbourhood. Mr. Henry Berkeley made a Motion to refer the subject to a Select Committee, which he (Mr. Cobbett) seconded, and at the same time presented Petitions numerously signed against the Act. The Committee was appointed, he was a Member of it, and it only sat for five days, when Sir William Clay, then Member for the Tower Hamlets, intimated, on the part of the Government, that if a Bill were introduced restoring the hours to their former limits on Sundays no objections would be made. That course was adopted, and within a short time after the Bill became law the obnoxious restrictions it imposed were swept away. That Act only related to London and to a part of Sunday; whereas this Bill would shut up public-houses all Sunday over the whole country. That was a policy which he hoped the House would not be so impolitic as to adopt. Assuredly, that Bill would be taken by the working classes as aimed specially at them, and would be, as on former occasions, resisted by them. He was surprised at the language used by the hon. Member for Denbighshire (Mr. Osborne Morgan), who said that the working classes only went to the public-houses on Sundays in order to get fuddled, and he hoped that expression would be withdrawn. So far from there being any truth in the statement, there were thousands of working men who at considerable expense compared with their limited means, and with great and laudable energy, took their wives and children a few miles into the country on Sundays for fresh air and recreation, and who only used public-houses for needful refreshment for themselves and families. He objected to the Bill on another ground—namely, that it left the vexed question of what constituted a "traveller" on Sunday still unsettled, and on these grounds, as well as by the light afforded by past experience, he earnestly hoped the House would not agree to the Bill.

Mr. D. DALRYMPLE said, he would briefly state to the House the reasons why he could not vote for the Bill. He had some experience of places where the sale of liquor was absolutely forbidden. When he was in Philadelphia he found that no intoxicating drinks were allowed by law to be sold; but it was within his own knowledge that one had nothing to do but to ask in order to have whatever amount of liquor was required. In Boston he was told—and the fact was confirmed by a public notice, which he saw posted up at the principal entrance — by the waiter of the principal hotel that persons who wanted drink on Sundays sent their orders on Saturday nights, in order that the waiters might be ready to deliver them on Sunday morning. In the city of Montreal, where a similar regulation existed, the fact was that the law was evaded in a very simple manner. The public-houses were not allowed to be open; but you had only to open the door for yourself in order to get everything you wanted. In addition to that fact, the legal officer had informed him that the prohibition of open drinking had only increased the practice of private drinking to excess on Sundays. In fact, while sympathizing with the objects of the Bill, he felt that it had gone far beyond the actual requirements of the case, and that it would inevitably cause great dissatisfaction throughout the country, and so tend to impede the progress of beneficial and practical legislation upon the subject.

MR. BRUCE: There is no doubt that the proposition contained in the Bill is supported by a considerable number of the working population of the country; but let it be borne in mind that there is now before the House of Commons a comprehensive Government measure dealing with the whole question of the sale of intoxicating liquors. In that Bill there is a clause specially dealing with the question of Sunday traffic, and when we come to that clause it will be quite open to the hon. Gentleman to move any Amendment he pleases. Under those circumstances, it does seem to me to be mere waste of time to continue this discussion.

MR. LOCKE said, he rose for the purpose of stating to the House that it seemed to him that some of the hon. Members who brought forward the Bill were quite ashamed of themselves. This was the first time they had a discussion on the question of the total abolition of liquor traffic on Sundays. That was a most remarkable proposition, but no arguments had been adduced in favour of it. Then there was another question which he should wish to see cleared up. Some time ago there was a Bill brought forward by the late Mr. John Abel Smith. What was the fate of that Bill? The Bill itself did not pretend to put a stop to drinking on Sundays. It merely limited the hours of sale on Sunday, as was done before by the Bill referred to by the hon. Member for Oldham. Well, what became of Mr. Smith's Bill? It was referred to a Select Committee — a Committee of 15. The Chairman was a Scotchman, and it might fairly be supposed that he would be enamoured of the plan in operation in Scotland with respect to Sunday liquor traffic. But what did he say? He said that Scotland was different from England—that it would be absurd to attempt any reduction of the hours wherein liquor was to be sold on Sunday. The Bill was negatived by an immense majority—thrown out by the proportion of 12 votes to 3; and the Report which had been that day alluded to, but not sufficiently, stated that it was totally unnecessary to have any legislation in the proposed direction, inasmuch as drunkenness was rapidly diminishing in the country. ["No, no!"] He believed he heard his hon. Friend the hon. Baronet behind him (Sir Wilfrid Lawson) say "No;" but the fact was that drunkenness had diminished and was—["Order, order!"]

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow.*

House adjourned at five minutes
before Six o'clock.

HOUSE OF LORDS,

Tuesday, 4th July, 1878.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Acrobats (173); Boundaries of Counties (Ireland) * (180).
Report of Select Committee—Infant Life Protection (No. 188).
Report—Infant Life Protection * (118-187).
Withdrawn—Trusts of Benefices and Churches (151).

ACROBATS BILL—(No. 173.)

(*The Lord Buckhurst.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD BUCKHURST, in moving that the Bill be now read the second time, said, that during the last few years there had been a growing taste for acrobatic performances. He did not wish to interfere with the indulgence of that taste where it was legitimate, and the object of the Bill was not to prohibit these altogether, but merely to protect young children of tender years from being compelled to take part in acrobatic performances which were dangerous to their lives or injurious to their health. He could narrate numerous instances where children of very tender years had been employed in this kind of performances; but he would not waste their Lordships' time beyond a simple reference to one case, occurring in a provincial town, where a boy of 14 years died from the effects of injuries he sustained in a fall from "the high trapeze." He had been told by witnesses of credit that children of five or six years had performed most dangerous feats to satisfy a morbid taste on the part of the public, and of course also to bring gain to the persons who were the parents or guardians of such unfortunate children. Not only was it cruel to employ children in this way for the sake of gain—it must be demoralizing to them and to the people who witnessed the performances. It was no argument to contend that cases of this description had been fatal only in very few instances, for if cruelty and danger were admitted, the law ought to step in to protect the lives or health of children however few. There was, however, no law that afforded them this protection. The noble Earl opposite (the Earl of Morley) told them on a previous evening that wherever interference seemed necessary the Home Secretary took the precaution of requesting that dangerous performances should be stopped; but the fact that such performances, attended with serious accidents, did take place showed that notices from the Home Secretary might arrive too late. What he desired was not so much a measure to inflict penalties where accidents occurred, but rather a measure to prevent them from occurring at all. The Bill, the second reading of which he now moved, was confined to prohibiting the employment of young persons, male or female, under the age of 16 years in any dangerous gymnastic performance: the penalty on the parent or other person employing such young person for gain was a maximum of £5; and a like penalty was imposed on any person letting any place for such performance. There were also provisions giving magistrates and the police summary powers of interference. If their Lordships consented to the second reading, he would be willing that they should make any Amendments in Committee which might render the Bill more workable, without affecting its principle.

Moved, "That the Bill be now read 2ª."—(*The Lord Buckhurst.*)

THE EARL OF MORLEY said, that when the noble Lord drew attention to this subject on a former occasion, he ventured to suggest to him that dealing with it would be rather an instance of over-legislation. Since then the noble Lord had eliminated women from the Bill, and now confined it to children of both sexes under 16. There was a legal maxim, *de minimis non curat lex*, and without knowing exactly the number of the objects of the noble Lord's care, he believed they were so few as to be scarcely subjects for a special Act of Parliament. The noble Lord condemned those acrobatic exhibitions as degrading and demoralizing. He (the Earl of Morley) did not by any means wish to defend the taste of those who took a pleasure in witnessing dangerous exhibitions of this kind, but he did not think bad taste was to be corrected by Act of Parliament any more than drunkenness. Unless there was some feature in the performance which was of a distinctly demoralizing character, he hardly thought that it should be interfered with by legislation. The second ground on which the noble Lord advocated this Bill was that those performances were injurious, physically and mentally; but he had only quoted the account of one accident. He (the Earl of Morley) had made inquiries and found that, in the metropolis at all events, accidents very seldom occurred in the course of these performances, and altogether too rare to call for special legislation. As to the moral effects of these performances upon the children who took part in them, there were no data which would warrant them in saying that they were worse in this profession than in any other. With regard to the physical effects of a gymnastic training, he doubted that there was that cruelty the noble Lord supposed. The physical conformation which enabled those people to turn and twist themselves, unlike mental endowments, ran through families, and was handed down through successive generations. He apprehended that when they came to definition under the noble Lord's Bill serious difficulties would present themselves. By the Bill the gymnastic performances to which it was to apply were defined as being those "whereby the life, limb, or health of any person engaged in them might be endangered or injuriously affected." Again, who was to say what was likely to be the effect of engaging in any performance on the health of any particular person? What might be injurious to one might be invigorating to another. Where were they to stop if they embarked in legislation like this? Were they to say that no children should be fastened here and there among the scenes or suspended from the clouds in pantomimes? If this Bill were admitted he did not see what limits could be put to legislation of this kind. It appeared to him that they must at once put an end to steeplechases. He submitted to their Lordships that the measures taken by the Home Secretary in sending cautionary notices to persons who advertised what were plainly dangerous performances had worked satisfactorily, and that there was no occasion to pass a Bill which would create difficulties by the adoption of excessive legislation.

THE EARL OF SHAFTESBURY said, there was no doubt that great difficulties existed in the way of legislating on this subject, but he should much regret if their Lordships decided to reject it on the second reading—the principle, at least, deserved their attention. It was very desirable that their Lordships should express some opinion on these amusements; for if they were at all aware of the atrocities that were perpetrated on these children day after day to gratify the morbid tastes of tens of thousands of persons in this country, their Lordships would see the absolute necessity there was of declaring that something should be done to put a stop to these amusements. Unless these atrocities were revealed their Lordships would hesitate to believe their extent. He knew that the Secretary of State had occasionally successfully interfered and prevented these exhibitions; but unless he had evidence of which he (the Earl of Shaftesbury) was not aware, he could not know what occurred every day and night in all the large towns of the country. He remembered that when it was announced that Blondin intended to wheel his child in a wheelbarrow along a rope at the Crystal Palace 100 feet high, Sir George Lewis, the then Home Secretary, addressed a letter to the conductors, stating that he should hold them personally responsible if any accident happened, and this had the desired effect of stopping the performance. But we could not have a Home Secretary in every great town. He believed that many accidents occurrred while these children were in the course of training, and nothing could be more detestable than the training itself. He had been informed by a friend of his, an eye witness, that when he was going his nightly rounds he heard shrieking and piercing cries, and on his going up into the room from whence the sounds proceeded he found seven or eight children, with two or three women standing over them with sticks, beating them into skins too small for them because the children would be required in a few days to represent monkeys and devils at an adjoining theatre. He recollected the case of a child, about 14 or 15 years of age, who was in training for the acrobatic business, and whose duty it was to stand on his head for a considerable time, until from its continual practice it had become a second nature to him. When in the ragged school the lad would suddenly rush from his class into a corner of the room and stand on his head; and the consequence was that some minutes would have to elapse before he would be able to resume his lessons. Their Lordships would do well to show some respect to the motives of the noble Lord who had introduced the Bill by reading it a second time. He did not believe they would be enabled to prevent these exhibitions altogether by legislation; but that it was only by bringing public opinion to bear on them that they could hope to put down those abominable and degrading exhibitions. They were a disgrace to the age and to the progress of our refinement. It was possible that compulsory education might do something to check them, from the spare hours that would be left to their children after attending school not being sufficient for efficiently training them; but, in the meantime, their Lordships ought not summarily to reject such legislation as that now proposed.

LORD ROMILLY said, he would vote with the noble Lord (Lord Buckhurst) if he pressed his Bill to a division. He could not understand that Parliament, which had passed Bills for the protection of factory children, should refuse it to those poor children who were now employed in dangerous acrobatic performances. The noble Earl who had opposed the Bill on behalf of the Government had not urged a single argument against the Bill that might not have been urged with equal force against bull-baiting, cock-fighting, and the like, that had been prohibited by law. These performances were not only dangerous and demoralizing to the children engaged in them, but also to the spectators who witnessed them. He should most willingly vote for the second reading of the Bill.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

TRUSTS OF BENEFICES AND CHURCHES BILL—(No. 151.)

(*The Lord Bishop of Carlisle.*)

THIRD READING. BILL WITHDRAWN.

Order of the Day for the Third Reading, read.

The Bishop of CARLISLE, in moving that the Bill be now read the third time, said, the Bill had been rather unfortunate in its passage through the House, because, having been read a second time, and having gone into Committee without opposition, and after an explanation by him of its various provisions—so that every possible opportunity for objection had been afforded—opposition to it arose on the Motion for the reception of the Report, and now Notice had been given of an Amendment to the Motion for the third reading. He was prepared to meet the objection that was raised on the last occasion as to the trustees; but the noble Earl (the Earl of Harrowby) who intended to move the rejection of the Bill did so upon different grounds. A suspicion had arisen in the minds of some that the Bishops would under this Bill get an unwarrantable amount of patronage by putting themselves into these trusts. He had no desire to make the Bishop or the incumbent a corporation sole in a trust for a benefice or a church. What he wished to lay stress upon was this—There were certain persons prepared to give money for founding benefices or churches, or for forming ecclesiastical districts, and they desired a certain form of patronage. Now, he contended that they ought not to be prevented from having it, except there was something very objectionable in the form of patronage. "A Quondam Conveyancer," in a letter to *The Times* of this morning, pointed out what he said was a way of getting through the difficulty. He did not know whether the writer of that letter was right or not; but what he did know was that the Ecclesiastical Commissioners felt their hands were tied when they were asked to recognize such trusts as it was the object of the Bill to make lawful.

Moved, "That the Bill be now read 3^a."—(*The Lord Bishop of Carlisle.*)

Lord CAIRNS said, that from the remarks made by the right rev. Prelate on a former occasion, he appeared to think it was a mistake in the drawing up of an existing Act of Parliament which prevented persons desirous of founding a trust from mixing up individuals with corporations sole. The adjournment that had taken place in reference to the Bill had given him an opportunity of further considering its provisions, and he could assure the right rev. Prelate this was the result of no mistake, but a consequence of the principle that you could not mix up in a joint tenantship corporations which never die and individuals who do die. But he thought there would be no difficulty under the existing law in meeting the case put by the right rev. Prelate. There was complete power, in the persons founding the trust, to make any stipulations they pleased as to the mode of appointing trustees. All that was required if they wished to appoint a Bishop or the archdeacon, or the incumbent of the parish one of the patrons was to appoint him as one of the first trustees; and to provide that upon the death of the Bishop, or as the case might be, and before the vacancy was filled up, it should be offered to his successor; and so on from time to time as vacancies arose. Without entering into the policy of the Bill itself, he would suggest to the right rev. Prelate the propriety of having those legal objections first settled.

The Earl of HARROWBY rose to move that the Bill be read a third time that day three months; but——

The Bishop of CARLISLE interposed, saying it was clear, after what had fallen from the noble and learned

Lord, that the Bill in its present state could not be proceeded with. He should, therefore, with their Lordships' leave withdraw it.

THE BISHOP OF LONDON was understood to express his great regret at the withdrawal of a measure intended not merely to authorize certain trusts in future—which it might or might not be expedient to do—but to correct serious inconveniences that were admitted to exist. He knew himself of three benefices in one parish, the patronage of which was vested in trusts now understood to be illegal. In his opinion, it was most desirable to legislate as soon as possible upon the subject.

After a few observations from Lord PORTMAN, the Marquess of SALISBURY, and the LORD CHANCELLOR,

Motion and Bill (by leave of the House) *withdrawn.*

House adjourned at a quarter past Six o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 4th July, 1872.

MINUTES.]—SUPPLY—*considered in Committee —Resolutions* [July 1] *reported*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Ordered—First Reading*—Galashiels Jurisdiction Act Amendment* [225]; School Boards* [224]; Grand Juries (Ireland)* [226].

Second Reading—Local Government Board (Ireland)* [90]; Drainage and Improvement of Lands (Ireland) Supplemental (No. 2)* [218].

Select Committee—Railway Rolling Stock (Distraint)* [116], *nominated;* Wildfowl Protection* [205], *nominated.*

Committee—Mines (Coal) Regulation (*re-comm.*) [150]—R.P.

Committee—Report—Pier and Harbour Orders Confirmation (No. 3) (*re-comm.*)* [171]; Courts of Law (Scotland) Agents* [135-223]; Bank of England (Election of Directors)* [211].

Considered as amended—Naturalization* [145]; Baptismal Fees* [209].

Third Reading—Colonial Governors Pensions* [176], and *passed.*

Withdrawn—Burial Grounds* [111].

PARLIAMENT—PRIVATE LEGISLATION.

RESOLUTION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [13th June],

"That the existing system of passing Local Bills on the same subjects as Public General Acts is inconvenient, works injustice between different towns, and leads to unnecessary complication in the Laws affecting Local Government."—(*Mr. Francis Sharp Powell.*)

Question again proposed.

Debate *resumed.*

COLONEL WILSON-PATTEN said, that if the hon. Member for the West Riding would omit the words "works injustice between different towns" from the second Resolution, he did not see any objection to the Motion. But he thought it rested rather with the Government to consider the whole subject of Private Legislation and propose a complete scheme.

MR. DODSON said, he should be prepared to support the Resolution now proposed by the hon. Member (Mr. F. S. Powell), if amended in accordance with the suggestion of the right hon. Member for North Lancashire. He was glad to understand that the hon. Member did not intend to move the next Resolution which stood in his name. Parliament intended by the Local Government Act and kindred Acts, and also by the Towns Improvement Clauses, Water Works Clauses, and Gas Clauses Acts, to bring about a general harmony and correspondence in local legislation. This intention was frustrated by the circumstance that Private Bill Committees, each acting exclusively with reference to the case before it, were swayed by plausible arguments of counsel, and too often induced to lose sight of, or to dispense with the application of, the principles which the general Acts aimed at securing. No doubt the circumstances of localities varied, and no cast-iron rule could be uniformly applied, but the general lines laid down by Parliament should be more faithfully adhered to. We should not then have so many anomalies and strange powers introduced, or attempted to be introduced, into local Bills as at present.

MR. BOUVERIE said, he thought the House ought to pause before agreeing to the Resolutions. The third Resolution, which proposed that no Private Bill should be introduced and passed unless the Minister of the Department was satisfied that the circumstances were exceptional and did not come within the general law, was equivalent to giving the Minister the power of veto; and he did not think that it would be right to place in the hands of a Minister or of the Ministers of the Crown the power of putting a veto on Private Legislation. He thought, however, that notwithstanding the numerous discussions that had taken place on the subject, the time was not yet ripe for the decision of so large a question, and he would move the further adjournment of the debate.

Mr. STANSFELD said, he had no objection to vote for the first Resolution proposed by the hon. Member for the West Riding, condemning the existing practice with reference to the passing of local Bills. At present the Local Government Board had no *locus standi* before Committees with respect to local Bills; but, nevertheless, they had, during the present Session, thought it their duty to examine all such Bills coming before Parliament and had communicated with the Chairman of Committees, and their criticism had been found to be of considerable utility, and to have thrown light on points which had been before obscure. He agreed with his right hon. Friend (Mr. Bouverie) that the subsequent Resolution ought not to be accepted; but the House would not commit itself to that Resolution by adopting the first. What he thought the House ought to do was to make use of the Public Departments of the Government for its own information. He had been considering the matter with the authorities of both Houses, and he was inclined to propose a new Standing Order to the effect that copies of local Bills, when deposited at the Houses of Parliament, should be deposited also with the Local Government Board — that the Board should report on the Bills, and its Report should be laid before the Committees.

Sir CHARLES ADDERLEY recommended that the very important suggestion of the right hon. Gentleman the President of the Local Government Board should be taken as a sequence to the first Resolution of the hon. Member for the West Riding. The second Resolution he thought should be omitted under any circumstances, and the third required to be very much modified. There was the most urgent necessity for some improvement in the mode of dealing with local Bills.

Dr. BREWER said, the House was suffering from the inconvenience of arguing two different subjects at the same time and interchangeably. The one was the general proposition that private legislation, dealing with matter of a similar nature to that of public Acts should, as a preliminary step to its introduction, be submitted to that Department of the Government which had the charge of such subject-matter — a proposition worthy serious consideration, undoubtedly, as it might tend to prevent those contradictory or unequal enactments which separate private interests contrived to introduce through the means of private legislation into Acts which affected large masses of the population. The other subject was of a more limited kind, and contemplated the recognition of a title to be given to the Local Government Board to require a copy of every Private Bill, before its introduction into Parliament, to be sent to that Office in order that the Bill should be criticized and revised, and the agreement or disagreement of its provisions with Acts in force might be ascertained beforehand. The advantage of such a course was obvious; but the restriction upon the right of public bodies and private persons to come before Parliament for the promotion of objects they believed of consequence to them, afforded far too serious a subject to be dealt with summarily. The stores of private enterprise would be hardly consonant with such limitation, and he thought the House should pause before conceding the whole of the hon. Gentleman's proposition.

Mr. HENLEY thought the proposals of the hon. Member for the West Riding went a great deal too far. It wanted to do away with local self-government, and no one could doubt that if it were adopted there would be a great deal of ear-wigging of the Minister. He did not see how any Minister could fairly judge of the special wants of particular places. Any person who looked at foreign countries and saw what few arterial lines of railway they had might easily conclude that if we had been in the hands of a Minister we should be in much the same position, for a Minister would never have admitted that many of the largest railways we had were required by the necessities of the localities. Moreover, the promoters of a scheme would never be satisfied with the decision of the Minister, and would raise the questions involved in the House. It was better to let people come to Parliament and make out their case as well as they could, and if they did not make it out, they would gain nothing by their motion. He would support the Motion for the adjournment of the debate.

MR. WEGUELIN said, it often happened that Bills of several hundred clauses came before a Committee, which had to pick up its knowledge of the subject from the speeches of counsel and such opportunities of reading the clauses as they might have during the investigation. He thought it would be well to have these Bills submitted to some authority for examination before they were laid before the Committees.

MR. BONHAM-CARTER said, the mere introduction of abstract Resolutions of this kind, unaccompanied by practical suggestions, were of very little value:—moreover, he thought the Resolution of the hon. Member for the West Riding was already covered by the Resolution of the House to refer the whole business of Private Legislation to the consideration of the Government. Looking to this, he thought the House should not put upon its records a Motion such as the hon. Member for the West Riding had now proposed, and which seemed to some extent to supersede or override a decision to which the House had already come. He thought it would be far better to wait until the Government should lay a complete scheme before them, and the House could then enter into a consideration of the subject in its entirety. Moreover, in a short time they would have to reconsider the Clauses Consolidation Acts, upon which so much of our Private Legislation depended.

MR. CHICHESTER FORTESCUE agreed with his right hon. Friend the President of the Local Government Board that the Resolution proposed by the hon. Member for the West Riding was a very useful one, and one which it would be well to adopt, for it pointed to the evil which now existed with regard to the unnecessary multiplication of Private Bills on matters which should more properly be the subject of public legislation. Before, however, such a Resolution could be adopted, it was a condition precedent that public legislation on such matters should be in a sound, consistent, and rational condition. He had no experience with regard to the legislation applicable to towns or to sanitary matters; but he believed it was in anything but a satisfactory state.

MR. ALDERMAN W. LAWRENCE said, that if the third Resolution of the hon. Member for the West Riding were agreed to, the doors of Parliament would be closed against all municipal and local authorities, who would be unable to bring in any measures which had not received the previous sanction of the Local Government Board of the day. He thought that the proposition of the right hon. Gentleman the President of the Local Government Board should be formally brought forward by the Government, and not introduced merely in connection with these Resolutions. He hoped the Motion for adjourning the debate would be agreed to.

MR. GOLDNEY also thought that the most sensible course the hon. Member could adopt would be to consent to the adjournment of the debate.

MR. F. S. POWELL said, that the discussion had been so satisfactory that he would gladly have withdrawn his Resolution, had not right hon. Members on the Treasury Bench encouraged him to hope the whole subject would be discussed with the assistance of proposals made by the Government during the present Session. Under these circumstances, he thought that he should be acting most wisely in moving the adjournment of the debate.

Debate *further adjourned* till *Thursday,* 18th July.

THE ECCLESIASTICAL COMMISSION— CHARGES OF MANAGEMENT.

QUESTION.

MR. SALT said, he wished to ask the hon. Baronet the Member for North Devon (Sir Thomas Acland), Whether the sum of £26,926 7*s.* 7*d.* charged for Agency (in addition to other items for management, repairs, &c.) in the Rental Accounts of the Ecclesiastical Commissioners, contained in the Report of 1872, could not be reduced in future years; and, whether such Agency is paid by salary or by commission?

SIR THOMAS ACLAND: The sums charged for agency and management in the accounts of the Ecclesiastical Commissioners have been frequently the subject of public investigation. This matter was examined by Committee of the House of Commons in 1856, 1862, and 1863, and by a Committee of the House of Lords in 1858. It also was the subject of a Report drawn up by a Committee appointed by the Treasury in 1859, and of a Minute and Report prepared by the Estates Committee of the Ecclesiastical Commissioners. These documents are to be found in the 16th Report of the Commissioners. They contain a full statement of the scale of remuneration as to its principles and details. They explain that the principal expenses are incident to the transition state of the Church property scattered over 40 counties, and that the nature of the business requires that the Commission should benefit by the wide experience of persons having an independent professional business. Such experience could not be obtained for any salary which the Commissioners could give. The Commissioners have recently, in conjunction with the Treasury, revised their official establishment. They will not lose sight of the importance of effecting every economy in the management of their estates which may be consistent with efficiency.

WAYS AND MEANS—INHABITED HOUSE DUTY.—QUESTION.

MR. W. H. SMITH asked Mr. Chancellor of the Exchequer, Whether each hereditament separately numbered, described, and valued in the Valuation List, as finally determined by the Assessment Committee under the Valuation (Metropolis) Act of 1869, should, if such hereditament be chargeable to the Inhabited House Duty, be assessed separately for such Duty, in conformity with such Valuation List, and in pursuance of section 45, sub-section 2, of such Act?

THE CHANCELLOR OF THE EXCHEQUER: No, Sir. I think the conclusion does not necessarily follow, when the House Duty Act requires that the assessment should be made jointly. The fact that the valuation must be separately made under the Metropolitan Valuation Act does not interfere with the provisions of the Act requiring such joint assessment. The assessment could be furnished upon the sum of the valuation under the Metropolitan Valuation Act.

POST OFFICE—POSTAGE TO THE WEST INDIES.—QUESTION.

MR. BOWRING (for Mr. REED) asked the Postmaster General, Whether he is prepared to reduce the Rates of Postage between the West India Colonies and this Country?

MR. MONSELL, in reply, said, that the cost of the West India packet service, after deducting the amount of revenue received for postage, amounted to £118,000 a-year, and the whole of that sum was paid by the Imperial Treasury. The West India Colonies contributed nothing whatever towards the expense of the subsidy. The contract with the Royal Mail Company would not be concluded until December, 1874, and until then it would be impossible to make any change in regard to postage.

IRELAND—LIGHTHOUSES FOR LOUGH SWILLY.—QUESTION.

MR. CONOLLY asked the President of the Board of Trade, If he would state to the House what information he has received from the Board of Irish Lights, as to the necessity for erecting one or more Lighthouses on the coast of Lough Swilly, in the county of Donegal; and, whether he is willing to take the subject into his early consideration?

MR. CHICHESTER FORTESCUE, in reply, said, that the Board of Trade had received no application on the subject; but the Department had had the subject under their own consideration for some time, and they were in communication with the Trinity House upon the matter. They hoped to be prepared upon an application in the statutory manner from the Irish Lights Board to erect a lighthouse upon Dunree Head, Lough Swilly, and they were now with that object in communication with the Irish Lights Board.

MR. CONOLLY gave Notice that he would move for certain Correspondence on the subject.

MR. CHICHESTER FORTESCUE said, he should have thought that his answer would have rendered such a Motion unnecessary.

CRIMINAL LAW—CONVICT LABOUR.

QUESTION.

COLONEL BERESFORD asked the Secretary of State for the Home Department, If he is aware that mats are being made at Millbank Prison from plaited coir yarn prepared by steam machinery in Wakefield Jail, and that such mats are made by contract with the governor of that jail for Mr. Goodacre, till recently the London agent of the said Wakefield Jail?

MR. BRUCE, in reply, said, the mats were furnished, not by contract, but from time to time according to the wants of the department. He was not aware that Mr. Goodacre was connected with Wakefield Prison; but, even if he were, he did not think that circumstance would justify the department in refusing to deal with him as with any other person.

IRELAND—GALWAY ELECTION INQUIRY —MR. JUSTICE KEOGH.

QUESTION.

MR. MITCHELL HENRY said, he wished to ask the hon. Member for Tralee (The O'Donoghue), whose Motion stands for Thursday, Whether he is not of opinion that the case of Mr. Justice Keogh ought not to be discussed in the House before the evidence taken in the Galway Election Petition case has been printed; and, if he will not postpone his Motion until the opinion of the House has been taken on the proposition of the hon. and learned Member for Limerick (Mr. Butt), who has given Notice that he will move that Mr. Justice Keogh ought to be removed from the Bench for his alleged misconduct?

THE O'DONOGHUE begged to assure the hon. Gentleman that the only object he had in view was that there should be the fullest possible discussion of the Galway Judgment at the earliest possible moment. If the hon. and learned Member for Limerick (Mr. Butt) was really anxious to have a discussion — he said "really," because some doubt seemed to be thrown upon his intention by the Notice of Motion given by the hon. and learned Member for Taunton (Mr. James)—but if the hon. and learned Member for Limerick was really anxious, then for his part he was quite willing that the discussion should be taken on the Motion of the hon. and learned Member for Limerick; but until he (The O'Donoghue) really knew what course the hon. and learned Member intended taking, he was unwilling to withdraw the Notice which stood on the Paper in his name.

MR. MITCHELL HENRY: Then I wish to ask the right hon. Gentleman at the head of the Government, on the part of my hon. and learned Friend the Member for Limerick (Mr. Butt), who has communicated with me, whether the Government will give a day for the discussion of the Motion?

MR. GLADSTONE said, he could only repeat what he had stated on a former occasion—that he did not think he could with propriety ask the House to put aside important public business to discuss a matter which seemed to him to be not yet quite ripe for discussion, inasmuch as the means of forming a judgment on the points in dispute were not as yet in the hands of Members, the evidence not being in print.

COLONEL WILSON PATTEN asked, whether there would be many more portions of the evidence besides the two already published?

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE) was informed that only one part more remained to be published. He was informed that it was somewhat larger than the previous parts; but the printer hoped that by the end of next week the whole of the evidence would be published.

Afterwards—

VISCOUNT CRICHTON asked the First Lord of the Treasury, If his attention has been drawn to three Notices on the Order Book of this House, equivalent in their terms and construction to votes of censure upon Mr. Justice Keogh; whether, considering that that learned Judge is shortly about to go on Circuit, he does not think that public confidence in the administration of justice in Ireland will be seriously impaired by reason of such impending votes of censure being allowed to remain on the Notice Paper unchallenged in any way by Her Majesty's Government; and, whether he will place upon the Table on behalf of the Government any amendments to said Notices, or make any declaration with the view of relieving the judicial bench on the North-West Circuit from the stigma which might otherwise be thought to attach to it?

Mr. GLADSTONE: It appears to me that the Question of the noble Viscount proceeds on a misapprehension. I am not prepared to admit that the appearance of a Notice on the Paper has the great importance the noble Viscount attaches to it. He thinks that the public confidence in the administration of justice in Ireland will be seriously impaired by Votes of Censure being allowed to remain on the Notice Paper unchallenged by Her Majesty's Government. Sir, it is not for Her Majesty's Government to challenge the free exercise of the discretion of hon. Members in giving Notices on subjects on which they intend to raise a discussion until the time arrives when it is fit for the Government to announce the course they intend to take with respect to such Notices. I do not think it would be becoming in the Government—who have themselves, through their Law Officers, judicial functions to perform in respect to the very great question involved, of the prosecution of individuals arising out of this case—to indicate the course they may pursue until they have had ample opportunity for considering the entire case; but it is quite a mistake to suppose that the appearance of such Notices indicates more than the personal opinion of the Member giving them, or in any way determines the question of confidence or want of confidence in the administration of justice in Ireland. I quite appreciate the anxiety of the noble Viscount with respect to the state of feeling in Ireland on this matter. That is a subject of great importance, to which I hope we are fully alive—namely, the duty of considering everything that relates to the safety of Her Majesty's subjects in Ireland, and especially of one of Her Majesty's subjects bearing the commission of Her Majesty and representing Her Majesty in the high office of justice. For that purpose—for securing due respect to the law and punishing those who infringe it—every attention has been and is being given by my right hon. and learned Friend near me (the Attorney General for Ireland), and by the Government of Ireland. Probably it is within the knowledge of the noble Viscount that already steps have been taken for the apprehension and punishment of various persons connected with this case. I am quite certain, when the subject is fully before the House, they will take such a course as may be best calculated to strengthen the administration of justice in Ireland, and the confidence of the people in that administration; and the Government will, as soon as they have access to the whole of the evidence, which they only can have when it is prepared for laying on the Table of the House, state the course they intend to pursue with reference to it.

METROPOLIS—HYDE PARK—GUARDS DRILL.—QUESTION.

Mr. ROBERTSON asked the Chief Commissioner of Works, What reply he has received from His Royal Highness the Ranger of Hyde Park to a request made by the ladies and gentlemen who ride in the Park early in the morning, that there may be no firing by the Regiments of Guards from half-past 8 to 10 o'clock, as it not only disturbs their enjoyment of the Park, but might lead to serious accidents?

Mr. AYRTON, in reply, said, that His Royal Highness the Ranger of Hyde Park had given to this request—as to every request respecting the enjoyment of the Park by the public—the most careful consideration; but the question was by no means free from difficulty, for it was frequently found that when arrangements were made for the convenience of one section of the public, extreme inconvenience was inflicted on another section. Therefore, the balance of convenience and inconvenience had always to be considered. As the House was aware, the Royal Guards were required to reside in the neighbourhood of Hyde Park, and for their efficiency it was necessary that they should parade and drill in that Park. It was part of their drill to fire blank cartridge, and the question to decide was at what time would that part of the drill be performed with the least inconvenience to those who frequented the Park? To go through the whole day—it had been suggested that 6 o'clock in the morning would be a convenient hour; but if those gentlemen and ladies who went to the Park at 8 o'clock in the morning were now inconvenienced by volleys from the Guards, what would be the condition of others who, residing near the Park, might be sleeping in their beds at 6 o'clock? The number of those asleep and in bed at 6 o'clock was infinitely greater than the number of those who went to enjoy themselves in the Park at 8 o'clock in the morning; the latter, he could testify from his own personal observation, were few. His Royal Highness, in considering this subject, had also to consider the usual course of discipline of the Guards in London, and if the drill were made later than 8 o'clock in the morning greater inconvenience might be felt, and at last they might come to the proposal of some enthusiastic Volunteers to have drill with blank cartridge as late as 5 o'clock in the evening. His Royal Highness had not been able to appoint a time other than that at which the Guards now usually drilled. Many suggestions had been made in order that persons might not be taken unawares by the sudden volleys; but the only arrangement which seemed possible was that a regiment of Guards, on entering the Park, should give notice at the gate whether or not it was to be a blank cartridge parade.

MID-WALES COUNTY COURT CIRCUIT. QUESTION.

MR. OSBORNE MORGAN asked Mr. Attorney General, Whether, having regard to the Resolution of this House, passed on the 11th March last—

> "That, in the opinion of this House, it is desirable, in the interests of the due administration of justice, that the Judge of a County Court district in which the Welsh language is generally spoken should, so far as the limits of selection will allow, be able to speak and understand that language,

it is the intention of the Government to give effect to that Resolution by appointing a Judge possessing the qualifications in question to the Mid-Wales County Court Circuit?

THE ATTORNEY GENERAL, in reply, said, he was able to give but a very short answer to the Question, and that was that no vacancy had occurred in the Mid-Wales County Court Circuit since the passing of the Resolution referred to.

SOUTH PACIFIC ISLANDS—SAMOAN OR NAVIGATORS ISLANDS.—QUESTION.

ADMIRAL ERSKINE asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government are in possession of any information with respect to the alleged assumption by the United States of the protectorate of the Samoan or Navigators Islands, or if the United States have occupied any part or portion of those islands with native consent?

VISCOUNT ENFIELD: Information has reached the Foreign Office that on the 9th of April last the Chiefs and Rulers of Samoa signed a letter to the President of the United States, petitioning him to annex these islands to America. Sir Edward Thornton, Her Majesty's Representative at Washington, has been instructed to make inquiries as to what decision the United States Government may have arrived at with regard to this petition for annexation.

CAMBRIDGE UNIVERSITY—UNIVERSITY TESTS ACT.—QUESTION.

MR. R. TORRENS asked the First Lord of the Treasury, Whether he considers the following Grace, which passed the Senate of the University of Cambridge on the 6th of June last, to be in conformity with the spirit of the University Tests Act:—

> "Subscriptio anti gratiam pro gradu aliquo in Theologia concessam facienda." "That he assents to the Thirty Nine Articles of the Book of Common Prayer, and of the Ordering of Bishops, Priests, and Deacons, and that he believes the doctrine of the Church of England as therein set forth to be agreeable to the Word of God, and that in public prayer and administration of the Sacraments he will use the same and none other"

and, whether before advising Her Majesty to assent to the same, or otherwise, he will cause a Copy of the said Grace to be laid upon the Table, in order that this House may have opportunity for considering it?

MR. GLADSTONE, in reply, said, he had seen the Grace to which the Question referred, and which was passed in the Senate of the University of Cambridge on the 6th of June last, with the view of being presented to Her Majesty. It would go to the Council Office, and be there considered by the Lord President of the Council. He did not know whether his personal opinion as to whether the Grace was in conformity with the spirit of the University Tests Act was of importance, because it was a subject on which legal advice should be taken whether Her Majesty should assent to the Grace or not; but he was inclined to think that the Question had been put under some misapprehension, because the Grace referred to persons graduating in Holy Orders, with which the University Tests Act had nothing to do. With respect to placing a copy of the Grace on the Table, he did not think it would be desirable to prejudge the discussion of the question by the House on the statutes regulating the college.

ARMY—THE AUTUMN MILITARY MANŒUVRES—THE VOLUNTEERS.

QUESTION.

COLONEL LOYD LINDSAY asked the Secretary of State for War, Whether, with the object of giving the Volunteers the most favourable opportunity of making a creditable appearance at the next Autumn Manœuvres, he will take into consideration the recommendation made by the Commander-in-Chief in his report last year, who, while speaking of the Volunteers, says—

> "Unfortunately corps were generally represented by only very small portions, and these had consequently to be thrown together into provisional battalions. This arrangement was unavoidable, but it presents a great difficulty in bringing out the Force in as favourable a condition as could be wished. If whole regiments of Volunteers could come out on these occasions, the efficiency of this portion of our Auxiliary Forces would be greatly enhanced;"

and, whether he will reconsider the Regulation which he has laid down, which requires the attendance of every Volunteer during the whole fortnight's training?

LORD ELCHO inquired whether, if a corps undertook to send 100 men to the Manœuvres, and kept up that force during the fortnight's training, it would be considered necessary that the same men should attend during the whole of that time?

MR. CARDWELL, in reply, said, His Royal Highness the Commander-in-Chief had represented to him that the Manœuvres were not likely to be successful if the Volunteers who took part in the instruction in the second week had not taken part in it during the first week.

ARMY—WIMBLEDON REVIEW.

QUESTION.

COLONEL C. LINDSAY asked the Secretary of State for War, Whether the forthcoming Volunteer Review at Wimbledon, on the 20th of July, will be considered a special Brigade Drill, at which one-half of a battalion must be present according to the Auxiliary and Reserve Forces Circular of the 28th of May?

MR. CARDWELL said, the Volunteer Review at Wimbledon was not a Brigade drill under the terms of the Circular in question, and the rule in that Circular did not apply to it.

CORRUPT PRACTICES AT MUNICIPAL ELECTIONS BILL.—QUESTION.

In reply to Mr. RYLANDS,

MR. GLADSTONE said, he shared the feeling which he believed was entertained by many Gentlemen to put forward this Bill; but in the present state of business the Government did not think it would be in their power to apportion any part of the time at their command to its consideration.

MR. RYLANDS asked the hon. Member for Taunton, what course he proposes to pursue in relation to the Corrupt Practices at Municipal Elections Bill, if the Government are unable to give him a day?

MR. JAMES said, the Bill had several times been on the Paper and no Notice of any Amendment had been given. He was not aware of any objection to any of the clauses. He would put the Bill down for this day week, and if any hon. Member expressed a desire to have it modified he would alter it, and then leave it to the House to say whether it might not go into Committee.

MINES (COAL) REGULATION (*re-committed*) BILL—[BILL 150.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE. [*Progress 2nd July.*]

Bill *considered* in Committee.

(In the Committee.)

PART II.—RULES.

General Rules.

Clause 48 (General Rules).

MR. BRUCE having on Tuesday proposed to insert, after the words "shall be," the words, "as far as practicable," now moved that they be inserted.

MR. ELLIOT again urged the Government to accept the modification he had proposed by inserting in page 24, line 30, after "therein," the words—"so far as may be reasonably practicable, having regard to any special circumstances of the mine." He contended that there were many precautions which might be practicable in the sense of being possible, that would not at the same time be reasonably practicable, because they would cost so much that the property would not be worth working. If, as the Attorney General had said, the word "reasonably" would make no difference, why should not the Government concede its insertion in deference to those who thought it would? He moved to amend the proposed Amendment of the Government by inserting "reasonably" before practicable.

MR. FOTHERGILL said, the Home Secretary had admitted that in a mine there was a liability to accidents which no manager could possibly foresee; and he regretted the division that was taken when they appeared to have got nearly all they desired in that admission from the right hon. Gentleman. As the right hon. Gentleman desired to do what was right, was it not possible for him to insert the word "reasonably" to meet the views of those who were apprehensive that managers, rather than owners, might be taken up when they did not deserve it?

THE ATTORNEY GENERAL said, the word "practicable" in an Act of Parliament meant "reasonably practicable," and it would, therefore, be superfluous to insert the former word.

MR. GATHORNE HARDY said, the next general rule provided that the examination of the ventilation should be carried on as far as was "reasonably practicable." He thought, therefore, the words ought to be introduced into this clause in order to bring the different parts of the Bill in conformity with one another.

MR. BRUCE said, he did not object to the insertion of the word "reasonably." He thought it had been struck out wherever it had originally appeared in the Bill, because it was considered to have no legal significance; but as it had been accidentally retained in the next general rule, he would consent to its insertion in this place.

Amendment, as amended, *agreed to.*

MR. BROGDEN moved, after sub-section 1, insert new sub-section—

"Where a mine subject to Clause 19 of this Act is known to give off dangerous gas, a barometer and thermometer shall be placed at the mine above or below ground, under charge of, and as directed by, the manager."

The object of the Amendment was to enable the managers of mines, by reference to the barometer and thermometer, in the course of their daily occupations, to ascertain when great danger of explosion was likely to arise. According to a statement made before the Royal Society, it appeared that out of 525 explosions in mines in the years 1868, 1869, and 1872, 49 per cent occurred at times when there was great barometrical change, and 22 per cent when there were great changes of temperature.

MR. STAVELEY HILL said, the word "mine" in the Interpretation Clause included every shaft in the course of being sunk, every level, and a variety of other things. If the Amendment were adopted, a thermometor and a barometer would have to be placed in the mines at all times. If these instruments were placed in the mines in Staffordshire overnight, they would not be found the next morning.

SIR DAVID WEDDERBURN supported the Amendment, but thought it was not sufficiently comprehensive in its terms. He thought that justice had scarcely been done to the advantages that would result from a more general use of scientific instruments in mines. He did not mean to say that absolute safety could be insured by their use; but serious danger to life and limb could be very considerably diminished. A falling barometer and a high thermometer afforded certain evidence that ventilation was carried on with difficulty, and when gas was generated it was not merely explosive gas which had to be guarded against, for non-explosive gas was most dangerous to work in. He would suggest that the Amendment, instead of applying only to certain cases, should be made to apply in the case of every mine. Then he believed that the words "above or below ground" in the Amendment were objectionable. In the case of the thermometer it was important that it should be above and not below ground, because at a certain depth in deep mines there was a constant temperature, and when the temperature at the surface and in the mine were the same, natural ventilation ceased altogether. The plea of expense ought not to weigh for a moment in the matter, as a barometer could be obtained for a sovereign, and a thermometer for a shilling.

Mr. PEASE supported the Amendment with the alterations suggested by the hon. Baronet. The Amendment ought to be made to apply to every mine drawing coals.

Mr. DENMAN thought the words "at the mine" were ambiguous, as a mine included several things. If something beneficial were to be done in the sense of having a barometer and thermometer handy and near to ascertain the state of the mine at reasonable distances, the words of the Amendment must be very considerably altered, because the words "at the mine" would be complied with by having one barometer and one thermometer only in any part of the mine, whether it was above or below ground.

Mr. STAVELEY HILL said, his object was to have the use of the barometer and thermometer made compulsory within certain well-defined limits; so that no person should be liable to be prosecuted unless he wilfully neglected to comply with the Act.

Mr. FOTHERGILL said, it occurred to him that a foreman coming across a low barometer and a high thermometer would be very much bothered as to what such differences indicated. He should like to know whether a high barometer and a low thermometer always went together?

Mr. BOUVERIE suggested that simple directions for the use of the barometer and thermometer should be drawn up in concert with the Inspectors and the Royal Society, which on receiving a public grant some time ago expressed a willingness to give its assistance on any scientific matter.

Mr. BRUCE said, that, as the Amendment seemed to be generally approved of by the Committee, and as it was obvious that it ought, before adoption, to be very carefully drawn up, he would undertake to introduce such an Amendment, properly framed, upon the Report.

Sir JOHN LUBBOCK explained that the grant referred to by the right hon. Gentleman (Mr. Bouverie) was not made to the Royal Society itself, but for public purposes under the administration of the Society.

Amendment, by leave, *withdrawn.*

Mr. ELLIOT moved, in page 24, line 36, after "shall," insert "so far as is reasonably practicable."

Mr. BRUCE, understanding that it was practically impossible for all the travelling roads to be always properly ventilated at the same moment, said, he would assent to the introduction of these words.

Amendment *agreed to.*

Sir HENRY SELWIN-IBBETSON suggested that it would be better English to say "as" not "so" "far as is reasonably practicable."

Amendment *agreed to.*

Sir DAVID WEDDERBURN moved, in page 24, line 37, after "safety lamp," insert "and an efficient fire-damp indicator," with a view of subsequently adding a provision that no part of a mine should be reported safe when more than 4 per cent of inflammable gas was indicated by that instrument. The proportion of gas to atmospheric air was now ascertained by the safety-lamp, the flame of which expanded and exploded feebly for a small amount of gas, the explosion within the wire gauze becoming violent for a proportion of 7 per cent. The fire-damp indicator showed the exact amount, and one kind could be so adjusted as to ring an electric bell all over the mine like the division bell of this House, while another was a portable aneroid barometer adapted to the purpose. The only objections that could be taken to the fire-damp indicator were similar to such as were originally urged against the safety-lamp, and he was sure the men could soon be taught its value, after which its use would no longer need to be enforced.

Mr. LANCASTER said, he had found fire-damp indicators so impracticable that he regarded them as mere toys.

Mr. GATHORNE HARDY thought it was a dangerous experiment for Parliament to pretend to tell the miners what they were to do under all possible circumstances.

Mr. RYLANDS also deprecated any endeavour to regulate mines with such a minute attention to details, because such intermeddling legislation would give the workers in mines an unfounded confidence in these regulations which would lead to disastrous results.

Mr. BRUCE said, that the present rule only gave effect to what was already done in every well-conducted mine. They had ample experience of the utility of the Davy lamp, and it was better to rely upon it than on any fire-damp indicator, the value of which had not yet stood the same test of long experience as the Davy lamp had.

Amendment, by leave, *withdrawn.*

MR. LANCASTER proposed, in page 28, line 3, to leave out Rule 16, providing that

> "the roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure,"

in order to insert the following Rules:—

> "16. Where the natural strata are not safe, the roof and sides of every travelling road shall be made reasonably secure by the owner, agent, or manager, and a person shall not travel or work in any such travelling road which is not so made secure, except for the purpose of exploration or repair, or for other necessary duties of the Mine. In the miners' actual working place, as defined by the special rules of the Mine, the miner himself shall make the roof, sides, and face thereof safe for working therein."
>
> "16 a. The owner, agent, or manager shall cause all timber for props and other purposes required by the workmen to carry on their operations with safety to themselves to be cut in convenient lengths for setting, and placed for use where the workman delivers his coal."

It was important that the alteration he suggested should be adopted in the interest of the workmen, of the employers, and also of science, which was introducing the "long-wall" system of working. By that system a large face of coal, probably from 100 to 1,000 yards, all running parallel, was worked out at once. Perhaps 50 or 60 men were employed in that place as miners, and it was necessary that the roof-propping should be done simultaneously. Each man, or number of men, had been in the habit of propping and securing their own place where they worked. As the Bill, however, now stood they must have a set of special timber men, and the miners must remain idle while the timbering was carried out. He considered it important that the miners should help in that work, and he proposed these Rules in the interest of the work people, of the employers, and of science, which had led to the adoption of a system tending to security and economy. In Nottinghamshire and Derbyshire, in 1865, one life was lost for every 210,000 tons of coal raised; but since then the "long wall" system had come more into use, and in 1870, 380,000 tons were raised with the loss of one life.

MR. PEASE considered that the Amendment would introduce a dangerous principle. Hitherto the Committee had placed the whole responsibility upon the owners, and whereas this Amendment proposed to transfer to the men the responsibility in regard to the safety of the roof; from the falling of which so many accidents resulted.

MR. BRUCE said, this was a most important question, because, although explosions in mines attracted most public attention, the falls of the roofs and walls really caused more loss of life than any other casualties occurring in mines. The Bill did not propose that the timbering and propping should be taken from the workmen where they had been accustomed to do it, but only that what the men did in that way should be done under the supervision and responsibility of the manager. The Amendment would limit the application of this principle to the highways of collieries, and exempt working places from the operation of the rule. Out of every 100 deaths caused by the fall of roofs, 90 occurred in the working places, and it was those 90 deaths that the hon. Member (Mr. Lancaster) would except from the rule. There was nothing new in the principle he had advocated, for it had been adopted in the oldest mines with the best results. In Northumberland 2·75 lives were lost for every 1,000,000 tons of coal raised, and in Durham 1·95. In North and East Lancashire, where the men were allowed to prop for themselves, the proportion was 4·70; the lives lost numbered 221; whereas, judging by the loss in other districts, if the Durham system prevailed it would be only 93. In West Lancashire the proportion had been 5·81, and in South Wales 6·59. The number of deaths in South Wales was 405; if the Durham system prevailed it would have been 120. Of course, in these cases, there were other points of difference besides the difference in system; but a very experienced Inspector, having persuaded the coal owners in his district to adopt a system of superintending the timber and the roofing, had reduced the number of deaths about 40 per cent. It was inexpedient to trust to the men, as some advised, because danger seemed to make them reckless rather than careful. Nothing was more common than for a man to go on pulling down coal to make a good day when he should be propping and roofing. It was not, however, proposed to take the propping out of the hands of the men; it was only required that they should do the work subject to supervision.

Mr. LANCASTER said, the roof of Northumberland and Durham was hard and strong, while that of the Midland Counties and South Wales was loose, so that the system must be different, and comparisons could not be trusted.

Mr. FOTHERGILL said, accidents more often occurred from coal-falling than roof-falling. Accidents from the former cause arose from the men going in too far under the mass of coal with their pick, in the hope of getting a good heavy fall. He suggested that the word "reasonably" should be introduced, with a view to qualify the responsibility of the owners.

Mr. BOUVERIE thought if any rule was adopted that in the clause would be the best, because from the figures quoted by his right hon. Friend (Mr. Bruce) it was obvious it decreased the loss of life.

Mr. ELLIOT referred to the difference in the mode of procedure in mines in Northumberland and in Glamorganshire. In Northumberland enlightened persons were appointed, in consideration of their fitness, to superintend the general safety of the mine. He should be glad to see such a measure carried; for he believed that more lives would be saved under this clause than perhaps any other clause of the Bill.

Mr. HUSSEY VIVIAN believed that if this clause were adopted it would tend more than any other in the Bill to save life. No doubt it would create very considerable difficulty, especially in South Wales; but no sort of pains must be spared to save the lives of men. He believed that the difficulty would be in a great degree upon the part of the men themselves. He suggested that the words "so far as is reasonably practicable" should be introduced into the clause, which ought to be qualified as the preceding ones had been.

Mr. STAVELEY HILL supported the proposal to insert these words. The first part of the Amendment had been drafted by Mr. Dickinson, one of the most experienced mine Inspectors.

Mr. BROGDEN doubted whether the clause could be carried into effect in mines of thick coal unless a staff as numerous as the miners themselves was employed. As the Bill would come into operation at an early period, he would suggest that power should be reserved to the Home Secretary to allow an exemption from the clause in case of necessity.

Mr. BRUCE was opposed to the introduction in this clause of the words suggested, because, as the clause had considerable elasticity, he regarded them as unnecessary. All that the Bill required on the part of colliery owners was that they should take reasonable precautions, and if it could be shown, in case of accidents happening, that they had made good regulations and provided for their being carried into effect, they would be exempted from responsibility. Had he thought the words proposed were essential, he would have introduced them; but he regarded them as unnecessary.

Lord ELCHO thought the reasoning of the Home Secretary was in favour of the introduction of the words, bearing in mind the speeches they had heard from the hon. Member for Wigan (Mr. Lancaster) and the hon. Member for North Durham (Mr. Elliot). What appeared to him to be a fair compromise between the two was to carry out the principle that they should not try impossibilities; that they should not say that the roof was to be secure when it could not be made secure. He hoped the Government would accept the Amendment of his hon. Friend the Member for Glamorganshire (Mr. H. Vivian) that the roof should be made as safe as possible.

Mr. BRUCE said, if the word "reasonable" was to be introduced into the Bill at all, it ought to find a place in half-a-dozen clauses which had already been passed. The words at the end of the clause having reference to reasonable care being used were intended to apply to each of the general rules, and to all the requirements of the Bill.

Mr. FOTHERGILL thought if the word "reasonable" at the end governed the whole, it was as well that that should be made clear. This Bill introduced a very alarming state of things into the management of mines. Suppose a question came before a magistrate, would it be enough to say that the right hon. Gentleman the Home Secretary's understanding was that the clause was covered by the word "reasonable?"

MR. BRUCE: No, but the Act of Parliament would say it.

MR. BRISTOWE thought the Home Secretary's interpretation of the influence of the word "reasonable" at the end very doubtful, because the draftsman who had charge of drawing up the Bill had two propositions before him—first the responsibility of the owners for matters under their own management and control; and, secondly, their responsibility for offences under the Act committed by some person in their employment. The owners, agents, and managers were responsible for those matters which were directly within their province, and it was admitted on all hands that the management and maintenance of these travelling roads were matters which they themselves must undertake. The Committee had to consider whether the interpretation given by the right hon. Gentleman the Home Secretary and the hon. and learned Gentleman the Attorney General was consistent with the wording of the clause. He did not think so, and if his own view were correct the mine owners and managers would be strictly responsible, and the words of the hon. Member for Glamorganshire (Mr. H. Vivian) were therefore necessary.

MR. WINTERBOTHAM said, in answer to the hon. Gentleman who had sat down, that there was no such distinction between one class of obligations and another as the hon. Gentleman had supposed. All were duties and obligations thrown on the owner, agent, and manager, and each would be responsible for carrying out the rules, but in each case of contravention they would be able to exonerate themselves from liability. By adopting the Amendment for the insertion of the word "reasonable" they would render those cases where it did not occur exceptionally severe. For instance, one clause provided that "the shaft shall be securely fenced;" now if it gave way that would be held to be a proof that it was not securely fenced, if the word "reasonable" was not inserted in that clause, and was inserted in others.

MR. BRUCE said, he had struck out the the word "reasonable" in half-a-dozen cases, believing it to be an unnecessary word.

MR. GOLDNEY said, they had the assurance of the Home Secretary that the word "reasonable" was intended to apply to all rules, and if so it was very easy to frame the clause in such a way that there could be no doubt about it, and then there would be an end of the question. It was idle to discuss seriatim whether that word was to be introduced into every clause, and the words at the end should be made sufficiently clear.

MR. ASSHETON CROSS pointed out that without the word "reasonable" the onus of proof would lie on the manager, with it it would be transferred to the person making the complaint. If the right hon. Gentleman the Home Secretary would introduce some general words throwing the onus of proof on the prosecution there would be an end of the question.

MR. PLIMSOLL recommended the Committee to adopt the clause without alteration, as providing a valuable protection for the men, while not inflicting any hardship on the owners.

MR. BRUCE said, that the suggestion to throw the onus of proof on the prosecution introduced a new question. The protection aimed at by the hon. and learned Member for Coventry (Mr. Staveley Hill) was greater than was right in cases of this sort. What was wanted was to increase the responsibility of the masters. At the same time, he did not want to carry that responsibility too far. The intention of the Government was that when an accident happened the masters should be liable to be called upon to show that they had been sufficiently cautious. But the new clause, of which he had given Notice, would prevent them from being summoned when the Inspector was satisfied that reasonable precautions had been taken.

COLONEL CORBETT said, the whole question appeared to him to be only a matter of words. If the right hon. Gentleman would consent to substitute for "make secure" the words "to be well secured," the difficulty would be met. "Well secured" meant that the work was done as well could reasonably be expected.

MR. NEWDEGATE said, he thought the Committee was getting into confusion. This Bill, as the hon. and learned Member for Newark (Mr. Bristowe) had said, was drawn with two distinct views, relating to the duties and liabilities of two different classes of persons. Unfortunately, the idea was arising that they could import into the management of mines the principle of the Factory Acts, inasmuch as the interior of mines was beyond the control and supervision of the owner—as he was called—that was, the occupier. Except in very rare cases it would be absurd to attempt to apply the Factory Acts to such works. But they had legislation in point. They had the Merchant Shipping Act, where the liability of the owner of a ship was provided for and defined, and where the liability of the captain, who corresponded with the manager of a mine, was also provided for and defined. The penalties were according to the distinct and relative position of these parties. They might go hammering on with this Bill with the view of introducing impossible distinctions in order to define the liability of separate classes, without arriving at clearness.

Mr. GOLDNEY recommended the hon. Member for Wigan (Mr. Lancaster) to withdraw his Amendment.

Mr. HUSSEY VIVIAN also recommended the hon. Member for Wigan to withdraw his Amendment, and he would then himself move to insert those words which he had before mentioned, and which he hoped his right hon. Friend the Home Secretary would accept. His right hon. Friend might fairly accept words which he had already accepted in the first sub-section.

Mr. ELLIOT thought this alteration might be made without at all diminishing the efficiency of the clause. A manager or owner ought not to be made responsible for the act of a man who had not put his timber in properly. They might lessen the dangerous conditions which operated in a mine; but as to making the roof and sides in any working secure, such security was quite unattainable in practical mining. He hoped, therefore, that the words "so far as is reasonably practicable" would be inserted.

Mr. CRAUFURD reminded the Committee that the principle laid down in the clause was no novelty, because if a man's servant committed a fraud on the revenue, the employer became amenable to the Excise and Mint law. Adequate protection would never be obtained for the lives of miners unless the same principle were extended to mine owners.

Mr. WOODS said, the evidence of every practical man in the House was against the clause as it stood. It was physically impossible to keep the roof safe in the constant changes which went on in the working of a mine. Yet the mine owner who did not maintain it would be liable under the Act, and, unless he could prove his innocence, might be sent to prison.

Mr. SCOURFIELD thought that there was no analogy between the Excise laws and the present case. An offence against the Excise laws did not excite public feeling; but in the case of a mine accident there was the feeling that some one should be punished, and the principle of "first come, first served," was too likely to be acted upon.

Mr. STAVELEY HILL said, it seemed to him that an analogous case to what was now proposed would be that if the captain of a ship was guilty of smuggling the owner should be held responsible.

Mr. BRUCE suggested the withdrawal of the Amendment of the hon. Member for Wigan (Mr. Lancaster), and then the Government would state the change they would be prepared to make in the clause.

Amendment, by leave, *withdrawn.*

Mr. BRUCE, repeating the objection to make exceptions to particular rules, and remarking that there was really no radical difference between the Government and the hon. Member for Coventry with respect to those on whom the burden of proof should rest, and that the Government did not wish to impose any unreasonable burden upon owners and managers, while requiring them to take every possible precaution, said, that on the Report he would propose to introduce into the beginning of the clause itself the words—"so far as is reasonably practicable," so that it would read —"the following general rules, so far as is reasonably practicable, shall be observed in every mine."

Mr. H. B. SHERIDAN moved, in page 29, after line 38, to insert—

> "30. Where an accident has occurred which has caused the loss of life or such serious bodily injuries as require that the circumstances should be reported to the district Inspector, no alterations or repairs are to be made on the place, or in or about the mine, until it has been visited by the Inspector, unless it can be shown that the allowing it to remain without change would impede the work of the mine, or be likely to lead to other accidents."

He said that the necessity for such an

Amendment arose from the fact that it frequently happened that immediately after an accident all traces connected with it were removed.

Mr. ELLIOT opposed the Amendment upon the ground that immediately after an accident it was often absolutely necessary to make alterations to restore ventilation and to endeavour to rescue the men.

Mr. BRUCE feared that the Amendment would tend sometimes seriously to aggravate an accident.

Mr. RODEN also believed that it would lead to dangerous consequences in many cases.

Mr. BROGDEN saw many reasons for some such rule, but he feared the objections to it were unanswerable.

Amendment, by leave, *withdrawn.*

Mr. ELLIOT moved, in page 29, after line 42, to insert the following general Rule—

> "In the South Wales and Monmouthshire districts no person (other than the haulier or driver) shall precede the horses, or ride on a train of tubs or trams, or accompany the haulier or driver when employed in driving trams or tubs underground, save for the purpose of training unaccustomed horses to the work, and also save by leave of the Inspector of the district. Every door boy shall be solely employed in attending to the door or doors under his charge."

He observed that accidents frequently occurred by boys being taken away from the doors under their charge, and the object of the Rule he proposed was to prevent boys being overworked, and from running before the horses and being crushed in consequence of tumbling down.

Mr. BROGDEN objected to the enactment of the proposed Rule as a general law. If it was necessary in particular districts it could be applied to those districts when approved by the Secretary of State.

Mr. BRUCE was aware that the danger arising from the employment of boys underground had long occupied the attention of the hon. Member for North Durham (Mr. Elliot), but he thought that the proposed Rule was not of a sufficiently wide application to justify its being made a general Rule, and, if adopted, it should be embodied among the special Rules.

Amendment, by leave, *withdrawn.*

Mr. STAVELEY HILL said, he wished to call the special attention of the Committee to the Amendment which stood next on the Paper. It was one on which, in the opinion of those connected with the Bill, much of its workable character must depend. If the clause remained as it now stood, the Bill would lose a great deal of its virtue. He was not in the habit of saying anything of himself, but he must ask permission to say one word in order to relieve himself of a charge which had been made with regard to him. He fully recognized the ability of the excellent reports of their proceedings which appeared in the public Press; but he thought it was scarcely fair, where, from the very condensed form of the report of what was said in Committee, the reasons for Amendments which stood in his name were not given, that statements should be made that he had reduced the Bill from being a good to be a bad Bill. He had no connection with mines, or interest in them. His only desire with reference to the Bill was for the benefit of the mining population generally, and especially of South Staffordshire, that it should be a good coal-mining Bill—all the Amendments he had put forward were with that view. To secure this two things were essential—that there should be experienced managers, and that nothing should be enacted which would lessen or tend to derogate from their authority. Having laid down 30 general Rules, the Bill provided that every person contravening or not complying therewith should be an offender against the Act. Except that he proposed to insert the word "reasonably" — an alteration which he presumed would be assented to—he did not object to this. The clause, however, went on to say that in the event of contravention or non-compliance "by any person whomsoever" being proved, the owner, agent, or manager should be guilty of an offence against the Act "unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance." He proposed to substitute for this a provision that they should be liable, on conviction, to a penalty—

> "If it shall be shown that all reasonable precautions have not been taken by such owner, agent, or manager to prevent such contravention or non-compliance."

The law assumed every man to be innocent till he was proved guilty—[The Attorney General: Hear, hear?]—but the clause as it stood laid down the principle that every man should be deemed guilty till he proved himself innocent. He challenged the hon. and learned Gentleman the Attorney General to show that the clause was consistent with the former principle. He would take as an illustration any of the 30 general Rules for a breach of any one of which by "any person whomsoever" the owner, agent, or manager would be liable to a penalty. A collier might place something in the man-hole or place for refuge, and a person thus prevented from getting into it might be run over and killed. The owner, manager, or agent would know nothing of this breach of the regulations, yet the clause would hold them responsible. In the same way a miner, having lost his rammer, or for some other reason, might take down an iron rammer, and the result of his using this might be an explosion, killing the man himself and those around him. In that case a breach of the rule would have been committed, and the man having been killed no information could be obtained about it. The facts, as proved, might show that a breach of the rules had been committed, and how were the owner, agent, or manager to clear themselves? If they were in the dock their mouths would be closed, and the only persons who could give any explanation would be unable to say a single word. It was said that Parliament was now only asked to follow out the clauses of the Factory Acts. But what were the provisions of the Factory Acts upon which what was said to be an analogous liability attached? No person was permitted to be employed without a surgical certificate, and anyone who paid wages without seeing the certificate was liable to a penalty. If, therefore, a factory manager chose to pay wages without seeing a surgical certificate he did that which he knew to be wrong. The Factory Inspector might summon either the occupier of the mill or the other person in fault, and it was clear that the Factory Act never intended to impute guilt to anyone unless he had personal knowledge of the Act which he was breaking. On a former occasion he had ventured to impugn the doctrine of the Attorney General, in which he cited, as a parallel case, that the existence of an accident was of itself proof of negligence on the part of a railway company. [The Attorney General: I never said anything of the kind.] He had certainly understood him to say so, and he could scarcely be mistaken, for he replied at the time that the first question raised at a trial was—"Do the company admit the negligence?" According to the law laid down in *Addison on Torts*, the question arising upon a civil case in the event of an accident would be whether the machine causing the accident was solely under the management of the person charged, and whether he was using due and reasonable care. So that even in a civil action a *primâ facie* liability, such as it was sought here to fix upon an owner or manager, would not attach to them; but in a charge under this section the proceedings would not be civil, but criminal, and the question whether the owner, agent, or manager had anything to do with the accident, or whether the accident would have happened if the person charged had used reasonable care, would be one which the person charged would have no opportunity of answering by his own evidence. He thought, therefore, that a liability of this nature would tend to keep away the best class of men from the office of manager, and to lessen their authority and consequent usefulness, and it would be an evil day for all working in mines when owners, agents, and managers were placed in the position he had described. The hon. and learned Gentleman concluded by moving, in page 30, leave out from lines 1 to 9, and insert the following paragraph:—

> "Every person contravening or failing reasonably to comply with any of the general rules in this section shall be guilty of an offence against this Act; and in the event of any contravention or of non-compliance with any of the said general rules by any person whomsoever being proved, the owner, agent, or manager of such mine shall also be liable on conviction to a penalty under this Act; if it shall be shown that all reasonable precautious have not been taken by such owner, agent, or manager to prevent such contravention or non-compliance."

The ATTORNEY GENERAL said, he would not place his authority against that of the hon. and learned Member on the question of law involved; but he would repeat what he said the other day, that in the case of a train running off the line and causing personal injury or death it would lie on the railway company to show that they had not been guilty of negligence. Without discussing cases, he was quite content to rest on the principle of law of which there was not the slightest doubt. The real question was whether the section as it stood, substantially, or that proposed by the hon. and learned Member ought to be accepted by the Committee? He did not understand there was any serious objection to the first portion of the clause, as it would be amended on the Report by the insertion of the words "so far as is practicable;" and these words would now override the whole clause, including the portion with which the Committee was now concerned. The words must be imported into the construction of the paragraph the hon. and learned Member would strike out. The only fair way of testing it was to consider how it would work. It would be better to strike it out in a straightforward way than to substitute something offering a security which would prove illusory. If an explosion occurred by the act of some person, not the agent, manager, or owner, and loss of life ensued, and the law was put in force against the agent, manager, or owner, according to the Government proposal the defendants would have to show, to the satisfaction of the Justices, that all reasonable and practicable precautions had been taken to prevent it. It was an argument worthy of Quarter Sessions to say that the mouths of the defendants would be closed and they would be utterly unable to make a defence, because the character of the management of a mine was capable of proof by the production of rules and by the evidence of persons familiar with the course and conduct of business, of whom there must always be several who could be called as witnesses. By such evidence it could be shown that all reasonable precautions had been taken for the purpose of avoiding an accident, which, it might be, was inevitable. Under the terms of the Bill the owner, agent, or manager, would be entitled to acquittal. It must not be forgotten what the hon. and learned Member proposed to cast on those who had to enforce the law. He had shown what the defendant would have to prove. He must appeal to the candour of hon. Gentlemen to admit that nothing would be easier than to show that there had been a reasonable compliance with all proper requirements. But what was it the hon. and learned Gentleman suggested should be cast upon those who had to enforce the law at the instance of the public, who were crying out for the protection of human life? He put upon the man who had to enforce the law not only proof of the negative, but of one of the most difficult negatives which could be possibly proved—namely, that there had been an active non-compliance with all the reasonable requirements of the law. How could the Inspector in 99 cases out of 100 enforce the law if he had to discover whether these rules had or had not been complied with? He could not show that reasonable precautions had not been taken, and it would be better at once to strike this clause out of the Bill than to place such a burden of proof upon the shoulders of the person who had to put the law in motion. In substance, the proposal of the Government was perfectly reasonable, and that of the hon. and learned Member was unreasonable and impracticable. The hon. and learned Gentleman drew a picture of a highly respectable person standing in a dock and tried before a jury. But in case of the money penalty there would be a trial before a magistrate, and if any other punishment were imposed there would be an appeal to Quarter Sessions. The hon. and learned Gentleman said this was a principle unknown to the law of England. But there was no substantial distinction between this clause and section 41 of the Factory Act. He admitted that the analogy was not exact, and that unless analogies were exact they were often misleading; but regard must be had to the point to which the analogy referred. In the first place, the proposal of the Government was not that a man should be held to be guilty until he had proved his innocence, but that a mine manager or owner should be held *primâ facie* liable to a penalty until he showed that he had performed certain specified directions mentioned in the Bill. The hon. and learned Gentleman would hardly show his usual candour if he did not recognize the distinction between the two cases. Under the Factory Act, when an offence occurred in any factory the owner or occupier was in every case deemed in the first instance to have committed the offence, and was liable to the penalty; but if he proved to the satisfaction of the Justices that he had used due diligence to enforce the Act, and that the offence was committed by an agent or workman, the payment of the penalty was enforced against the agent or workman; and when the Inspector was of opinion that the occupier had used due diligence, that the offence had been committed by an agent or workman without his knowledge and against his orders, the Inspector might proceed against such agent or workman, and not against the owner or occupier. He had not now to justify the Factory Acts, which had worked for many years with general satisfaction; but what he said was that the Government were in this case doing substantially what had been done in former cases with universal assent. In many instances a man had not to prove his innocence, but there were some in which the rule of law was otherwise—as, for instance, in the case of a man who was found in the possession of Government stores, the law was that he should show whether he had innocently come by them. In other cases certain facts were *primâ facie* proof of guilt, and while he had admitted that the rule was generally the other way, there were sufficient exceptions to show that it was not universally so, and the question for the Committee to decide was whether there was not abundant reason in this case to satisfy them that it was fair to throw upon the owner the onus of showing that he had performed certain specified acts of duty from which the law would infer his innocence. All that the Government cared for was the substance of the clause; for the expression it would be unworthy in them to contend. He could not expunge the substance of the clause, but proposed to add to it these words—

> "But no such owner, agent, or manager shall be convicted of such offence if he shall prove that he has taken all reasonable means and precautions."

He contended that, substantially, the clause was a fair one, and that it imposed no duty upon an owner, manager, or agent which he had not the means of meeting; but if it gave offence or created alarm the Government would not object to any alteration, provided that the real effect of the clause was left untouched.

MR. GATHORNE HARDY believed that there was in reality very little difference between the Government and those who desired the amendment of this clause, and he was convinced that the more the subject was considered the more certainly would the Committee come to the conclusion that if an owner had taken due precautions he ought to be relieved not only from any charge being made, but also from being summoned to meet any charge and having to make his defence. The argument of the Attorney General was not wholly satisfactory, for if an explosion happened and loss of life occurred this Bill would not be applicable, as the offence became one of manslaughter, which would be tried in the ordinary way before a jury. In that event nothing would be inferred; neglect would have to be proved, and the greater offence would swallow up all the minor ones. If it were proved that owing to his negligence or his wilful act loss of life occurred an owner would be liable, and no one would wish it to be otherwise. The offence, however, might be less than manslaughter, yet by the clause an owner would be responsible for a special breach of a general rule; but he did not suppose that if a workman did a particular act in contravention of a rule, anyone would desire to make the owner responsible. He believed that the clause could be amended by the insertion of a very few words, so as to render it consistent with the views of those interested in mines, and those who were anxious that they should be worked in a proper way. He suggested that words should be inserted which would relieve the owners, agents, and managers of mines from prosecution under this Bill in the event of their being able to show that they had taken all reasonable care, by the publication and enforcement of the rules, as to the regulations for the working of the mine. In the event of due care having been taken on the part of the owners or their agents to make the rules known, and to enforce them when a wrongful act was done, the prime offender, and not the owners or their agents, ought to be punished. The right hon. and learned Gentleman had promised to bring up a clause on the Report to bring this Bill into harmony with the Factory Acts; but what the owners wanted was that they should not be summoned before the

Justices unless a *primâ facie* case was made out against him. He further suggested that before the owner was prosecuted the Inspector should make inquiries and ascertain whether or not he had done his best to enforce the rules. He trusted that there would be no long discussion upon a point upon which both sides of the House were so nearly agreed.

MR. BRUCE acceded to the two proposals of the right hon. Gentleman without any difficulty. The right hon. Gentleman was perfectly right when he stated that there was but little difficulty between them. He had never contended for more than that the owner should be bound to show that he had done his best to enforce and to observe the general rules. He, therefore, willingly accepted the proposal of the right hon. Gentleman to amend the clause by inserting after the words "all reasonable means" the words "by publication and enforcement of the above rules as the regulations for the working of the mine." With regard to the second point, he might observe that he had already given Notice of an Amendment which went even beyond the suggestion of the right hon. Gentleman, as it not only required the Inspector to make an inquiry into the circumstances of the case before commencing a prosecution against the men, but restricted the power of instituting a prosecution to the Inspector.

MR. PEASE thought that the Amendment of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) amply met the difficulty, and would carry out the desired object much better than the Amendment of the hon. and learned Member for Coventry (Mr. Staveley Hill).

MR. HUSSEY VIVIAN observed that he felt much anxiety about this part of the Bill from a fear that a mine owner might be liable to be brought before the law for an offence of which he was as innocent as if he had been a resident of New Zealand. He was, however, rejoiced to find that the Amendment of the right hon. Gentleman (Mr. G. Hardy) entirely met this case. It would then be the duty of the miner or manager, by publication and other means, to enforce the rules laid down. He wished, however, to know what was the exact meaning of the word "enforcement?" If it meant that wherever one of the general rules had been broken the owner, agent, or manager had done his best to enforce them and to punish an infraction of them, he thought the case was fairly met. It was most important that those other parties who were interested in mines should not be liable to be proceeded against until the case had been previously thoroughly sifted.

MR. GATHORNE HARDY replied, what he meant by the word "enforcement" was to make the regulations of the mine the rules by which the people concerned were to abide.

MR. SAMUDA said, he was glad the penal clause had been rejected, but feared the owners would be relieved of all responsibility. Railway directors were made liable in purse for loss of life resulting from disregard of the ordinary rules for insuring safety; and though he was glad the owners of mines were relieved from penal consequences, he thought they should still be liable for pecuniary compensation.

MR. BOUVERIE said, he thought the proposal of the right hon. Gentleman (Mr. G. Hardy) thoroughly satisfactory. It was right that the owners should be quired to show in case of accident that they had taken every proper precaution to prevent accident; more than this should not be expected of them.

LORD ELCHO concurred in the opinion so generally expressed, that the difficulty in the matter was now satisfactorily solved by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy). In respect to the Secretary of State's proposal, to limit the prosecutions to Inspectors, he (Lord Elcho) thought that that was going too far in the other direction.

MR. STAVELEY HILL said, his only difficulty at first sight about accepting this Amendment was the meaning of the word "enforcement;" but on consideration he found it must clearly be interpreted in conjunction with the word "publication," and that it would require no more than the use of the ordinary means for enforcing the rules of the mine.

Amendment (*Mr. Staveley Hill*), by leave, *withdrawn.*

On Motion of Mr. GATHORNE HARDY, the following words were inserted:—

"By publication and enforcement of the said rules as regulations for the working of the mines."

Clause, as amended, *agreed to.*

Clauses 49 to 57, inclusive, *agreed to.*

PART III.—SUPPLEMENTAL.

Penalties.

Clause 58 (Imprisonment for wilful neglect endangering life or limb).

MR. HUSSEY VIVIAN (for Mr. ASSHETON CROSS) moved, in page 33, lines 27 and 28, leave out from "if the Court" to "of the case," inclusive, and insert—

> "If an owner or agent, to a penalty not exceeding one hundred pounds, and if not an owner or agent, to a penalty not exceeding ten pounds, and in the event of non-payment."

MR. BRUCE said, the effect of the clause was to enable magistrates, where a breach of the rules had been committed involving danger to life or limb, to inflict imprisonment as well as a fine. He did not think the workmen themselves would deem imprisonment too great a punishment for a deliberate and wilful breach of the rules endangering life, or that a money penalty was quite sufficient in such a case. The Amendment now proposed would make the workman liable to imprisonment for such an act, but would allow the owner or manager to escape with a mere pecuniary fine, however palpable his offence. He held that all punishments should be adequate, and also that they should be equal. Imprisonment was inflicted for offences far less grave than an act of wilful negligence endangering human life, and it would be unequal to punish with imprisonment the workmen who committed such acts, while the owner or manager who did the same thing got off by the mere payment of a fine.

LORD ELCHO said, he hoped the Amendment would not be pressed. These were offences which a mere money penalty would not meet. The miners wished that they should be punishable with imprisonment; and the rule that they wanted to have applied to themselves they desired, where all the circumstances were the same, to have equally applied to the owners. It should be remembered that the offence must be a wilful one.

MR. ASSHETON CROSS said, he had put down the Amendment on the Paper because the agents and managers of mines objected to the clause as it stood, and it was extremely probable that such a clause, unamended, would lead many gentlemen of considerable attainments and position who now filled those posts to give up such an occupation, and let in a class of inferior men. It therefore became a question whether the clause would work well if it were left as it stood at present. He would, however, leave the matter in the hands of the Committee.

MR. SAMUDA pointed out that by the alterations already made in the Bill those managers who published and took reasonable means to enforce the rules would not be liable to any penalty at all under this clause, and that would prevent the security to the miners which managers and owners should be compelled to ensure, either in person or in purse.

MR. BRUCE urged that, as the agents guilty of negligence could only be punished under the present Bill when it had become an Act of Parliament, it was necessary to see that the punishment to be awarded was sufficient to meet the requirements of the case. He thought it could not be urged that imprisonment was too severe a penalty to be inflicted for wilful negligence. He could not, therefore, accept the Amendment.

MR. RODEN regarded imprisonment as a proper punishment for a personal act of negligence; but suggested that the penalties to which miners and employers were subjected should be equal.

MR. GATHORNE HARDY said, he hoped the Committee would not divide upon this Amendment, inasmuch as the proceedings to be taken were clearly defined, and were of such a character that no person conducting his business in a proper manner would be liable to punishment.

MR. STAVELEY HILL believed that fines were as great an inducement to people to do well as imprisonment could be; but at any rate punishment should be equal for masters and men.

MR. HUSSEY VIVIAN said, he had merely moved the Amendment in the absence of the hon. and learned Member for South West Lancashire (Mr. Cross), thinking it desirable that the proposal should be discussed; but he did not at all agree with it.

MR. ASSHETON CROSS said, he had thought it right to place before the Committee the views of the managers, but he would not press the matter further.

Amendment, by leave, *withdrawn.*

MR. CANDLISH suggested that as the offences to be dealt with would sometimes amount to manslaughter, and as a person who had been punished under the Mines Act could not be subsequently put upon his trial for manslaughter, the imprisonment ought to be for six instead of three months.

MR. GATHORNE HARDY pointed out to the hon. Member that, in cases where the injuries inflicted by wilful negligence were likely to result in death, the magistrates would have power to adjourn the hearing of charges brought against the offenders in order that the result of the injuries might be ascertained, and, where necessary, charges of manslaughter might be preferred under the existing law.

Clause *agreed to.*

Clause 59 (Summary proceedings for offences, penalties, &c.)

MR. BROGDEN moved, in page 35, line 2, after "summary jurisdiction," add—

> "Provided always, That no proceedings shall be taken by any Inspector or other Government officer, after the expiration of three months from the commission of the offence, unless notice was duly given within that time."

MR. BRUCE said, he had no objection to the Amendment.

Clause, as amended, *agreed to.*

Clauses 60 to 62, *agreed to.*

Clause 63.

SIR HENRY SELWIN-IBBETSON (for Mr. LIDDELL) moved, in page 36, line 33, after "applies" to insert—"in which the offence set forth in the complaint shall have been committed" with the view of making the clause harmonize with the general practice in proceedings in criminal matters.

MR. RODEN hoped the Home Secretary would adhere to the clause as it stood.

MR. BRUCE said, he thought it would be desirable that a stipendiary magistrate should be appointed for hearing complaints and charges under the Act.

MR. ASSHETON CROSS warned the Committee against getting an immense number of inferior men, who could not get on in their own profession, instead of a high class of independent men.

MR. NEWDEGATE said, it had been his fate to be called in to act as arbitrator or umpire on more than one occasion when differences had arisen.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Miscellaneous.

Clauses 64 to 67, inclusive, *agreed to.*

Clause 68 (Interpretation of terms. 23 & 24 Vict., c. 151, s. 7.)

MR. FOTHERGILL moved, in page 38, line 12, after "mine," insert—

> "Except so far as such person under the reservations contained in the lease or other instrument by which such royalty is reserved be enabled to regulate the mode of working the mine."

He was the tenant of a large property, the lessor of which had a royalty on the coals which were raised. One part of the coal being in close proximity to a river could not be worked without great danger; but, notwithstanding this circumstance, he was threatened with an action of ejectment unless he worked that portion of the mine. He would, therefore, move the insertion of words to protect lessees from the exercise of such powers on the part of lessors.

MR. BRUCE opposed the Amendment, on the ground that arrangements between lessors and lessees did not come within the provision of the Bill.

MR. NEWDEGATE suggested that in such cases, or in cases where coal was left as a barrier between the mine and old workings, which might be full of dangerous gases, or of water, the lessor should be committing an offence against the Act if he insisted on the mine being worked in a dangerous manner.

Amendment *negatived.*

Clause *agreed to.*

MR. HUSSEY VIVIAN remarked there was no definition of the term "manager," and he had not the remotest conception of what a "manager" was. He suggested that some definition of the term should be inserted in the Bill.

MR. BRUCE said, there was no need for a definition, as the person who was named manager was responsible. The agent or sub-agent might be appointed, and whoever was appointed was responsible.

MR. STAVELEY HILL remarked that the word "panel" was not defined.

MR. BRUEN moved, in page 38, line 18, after "State," insert "as to Ireland the Chief Secretary to the Lord Lieutenant."

Mr. BRUCE said, there would be only only one Inspector for Ireland, and it was desirable that he should be under the same jurisdiction as the other Inspectors.

Mr. DELAHUNTY, in supporting the Amendment, expressed a hope that before another year elapsed the office of Lord Lieutenant would be abolished.

Amendment *negatived.*

Clause *agreed to.*

Clauses 70 to 72 *agreed to.*

Postponed Clause 15.

Mr. BRUCE said, the clause contained two sub-sections, one providing that no wages should be paid in public-houses, and the second, that all wages should be paid in money by the immediate employers of the men. He proposed to omit the second of these sub-sections, as the miners would be sufficiently protected by the Truck Acts. Next Session he should be prepared to introduce a Bill relating to the subject of wages generally.

Sir ROBERT ANSTRUTHER was satisfied with the right hon. Gentleman's statement, and said he would not press the Amendment of which he had given notice.

Clause, as amended, *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

GALASHIELS JURISDICTION ACT AMENDMENT BILL.

On Motion of The Lord Advocate, Bill to amend the Act of the thirtieth and thirty-first years of Victoria, chapter eighty five, intituled "An Act to include the whole of the Burgh of Galashiels within the County, Sheriffdom, and Commissariat of Selkirk," *ordered* to be brought in by The Lord Advocate and Mr. Adam.

Bill *presented,* and read the first time. [Bill 225.]

SCHOOL BOARDS BILL.

On Motion of Mr. William Edward Forster, Bill to confirm certain Orders of the Education Department, and make further provision with respect to the Election of School Boards, and for passing Resolutions for an application for a School Board, *ordered* to be brought in by Mr. William Edward Forster and Mr. Winterbotham.

Bill *presented,* and read the first time. [Bill 224.]

GRAND JURIES (IRELAND) BILL.

On Motion of The Marquess of Hartington, Bill to amend "An Act for enabling Grand Juries in Ireland to borrow money from private sources on the security of Presentment, and for transferring to counties certain works constructed wholly or in part with public money," *ordered* to be brought in by The Marquess of Hartington and Mr. Attorney General for Ireland.

Bill *presented,* and read the first time. [Bill 226.]

RAILWAY ROLLING STOCK (DISTRAINT) BILL.

Select Committee on Railway Rolling Stock (Distraint) Bill *nominated:* — Mr. Fortescue, Mr. Solicitor General, Sir Daniel Gooch, Mr. Leeman, Mr. Tipping, Mr. Heygate, Mr. Chadwick, Mr. Staveley Hill, Mr. Hinde Palmer, Mr. Cawley, Mr. Trevelyan, Mr. Elliot, Mr. Price, Lord Edwin Hill-Trevor, and Mr. Muntz:—Five to be the quorum.

WILDFOWL PROTECTION BILL.

Select Committee on Wildfowl Protection Bill to consist of Twenty-three Members:—Colonel Barttelot, Colonel Beresford, Mr. Beresford Hope, Mr. Alexander Brown, Mr. Cowper-Temple, Mr. Charles Dalrymple, Mr. Dillwyn, Captain Greville, Mr. Vernon Harcourt, Mr. Auberon Herbert, Mr. Andrew Johnston, Sir Massey Lopes, Mr. Maguire, Mr. Mundella, Colonel Parker, Mr. Pell, Mr. Walter Powell, Mr. Clare Read, Mr. Ridley, Mr. Henry Samuelson, Mr. Sykes, Mr. Arthur Vivian, and Sir David Wedderburn:—Seven to be the quorum.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, 5th July, 1872.

MINUTES.]—Public Bills—*First Reading*—Treaty of Washington* (191); Colonial Governors Pensions* (196).

Second Reading—Education (Scotland) (183); Sites for Places of Worship and Schools* (166).

Report of Select Committee—Petroleum* (104-135-193).

Committee—Court of Chancery (Funds)* (161-195); Infant Life Protection* (187).

Committee — Report — Boundaries of Counties (Ireland)* (180).

Report—Petroleum* (104-135-193).

Third Reading—Elementary Education Act (1870) Amendment* (126), and *passed.*

ARMY RE-ORGANIZATION—DEPOT CENTRES—OXFORD.—QUESTION.

The Marquess of SALISBURY asked the Under Secretary of State for

War, Whether his attention has been called to the proposed establishment of a Military Depôt at Oxford, and to the strong objections expressed by the University to that measure? The noble Marquess said, the proposal to which his Question had reference met with the unanimous opposition of the University. Beginning with Professor Rogers, whose advanced Liberal opinions were well known, and ranging from him upwards or downwards, as their Lordships might wish, the political and theological opinion of every man in the University was opposed to the measure which the War Office had in view. In the first place, the military and academic lives did not fit in well. Officers in the Army had a considerable amount of duty to perform, but they had plenty of leisure, and with it high spirit and abundant animal health. The experience of the teachers in the University led them to conclude that the facilities of amusement for the students were already sufficient, and that it was not necessary to adopt means to stimulate the students to avail themselves of opportunities to amuse themselves. The luxury of our age made University life more expensive than it was formerly, and rendered it more difficult to restrain the young men from habits which were inconsistent with the pursuit of their studies. It was felt that the existence of a military mess of even a small number of officers in the vicinity of the University would not lessen but increase the evil. Again, if a military depôt were once established at Oxford, the War Office could not abolish it hereafter, even if it were found to be very objectionable. There was another point of objection, to which he would not refer further than to say there was a fear that the establishment of a military depôt would have a tendency to introduce the Contagious Diseases Act in Oxford. The War Office were, he believed, of opinion that Oxford was a convenient centre, being the junction of several lines of railway; but he would ask the War Office authorities to consider whether in this respect High Wycombe did not possess sufficient advantages in these respects, while in respect of being surrounded by a large area and being nearer to London it had recommendations superior to those of Oxford. It was said that the depôt would cause the expenditure of £70,000 a-year in Oxford, which, no doubt, was a temptation to the tradesmen of Oxford who had the good fortune to be the constituents of the right hon. Gentleman at the head of the War Office. The relations between a representative and his constituents were of a tender character, and he did not like to interfere with them; but the interests of the University in this instance were still higher. Then it must be remembered that, during the last year, the Government had treated the University as "a national institution," subjecting it to all the evils and drawbacks attendant on an institution of that character. They had pulled it to pieces, or turned it upside down, taken its money, and distributed that money as they pleased, and now they had in view a measure which would only add to these evils, instead of trying to mitigate them as much as possible. Whatever was done in a case of this kind ought to be done permanently; but whatever was done in opposition to the distinct wishes of the teaching body of the University could not be done permanently. These considerations ought to outweigh any advantages which Oxford might possess. He hoped the noble Marquess would be able to give their Lordships an assurance that the project had been abandoned; or, if not, that he would promise them that it should not be carried out until the whole of the teaching body, who were scattered, should have an opportunity of speaking their feelings to the War Office.

THE MARQUESS OF LANSDOWNE wished, in the first place, to assure the noble Marquess that the arguments he had urged with so much force had not only been considered, but fully and patiently considered by the War Office. The Committee, to whom had been entrusted the task of recommending certain divisions of the country into districts for military purposes, had weighed with the utmost care all the advantages and disadvantages of the different centres that were proposed, and that extreme care had been equally exercised by those on whom would fall the duty of giving effect to the recommendations of the Committee. But he must tell the noble Marquess that it was not in his power on the present occasion to give any assurance as to the selection or non-selection of Oxford. The decision must, in fact, depend on circumstances connected with adjoining districts, and till these had been fully considered he could give no answer to the Question of the noble Marquess. The objection founded on the supposed disadvantages in a moral respect of the presence of a body of troops had been argued from other quarters. There was another objection founded on the argument that it was inexpedient to make any encroachment on ground likely to be required for University extensions, and a further one founded on the argumen that the proximity of a barrack would lead to a deterioration of property in Oxford. He would preface his answer to these objections by making two statements, the first having reference to the site of the proposed depôt, and the second, to the time and place of the annual training which might or might not take place hereafter at Oxford. Most of the arguments of the noble Marquess would be disposed of by this statement —that should the depôt be fixed at Oxford it would be neither within or near the University grounds, but at a distance of two or three miles. With regard to the training of the Militia, if Oxford were selected, that would take place in vacation and not in Term time. One of the recommendations of the Committee proceeded on the belief that, as there was probably a natural attachment felt by the Militia corps for their traditional headquarters, it would be expedient to retain High Wycombe for the Buckingham Militia, so that if Oxford were selected for the depôt, that arrangement would diminish by one-half the number of troops which would be at Oxford. Should any inconvenience be found to arise from the assembling of large bodies of Militia in or near the University of Oxford, it might be possible to have the training of that body carried on at Aldershot, or some other military station, and so relieve the University from any dangers that might arise from that source. The number of troops that would be stationed in or near Oxford would be very inappreciable for interfering with the order and discipline of the University. In most of the proposed centres throughout the country a mistaken impression prevailed as to the number of troops that would be stationed there, and their conversion into what were known as garrison towns, because, by a reference to the Report that had been laid upon their Lordships' Table, it would be seen that, under ordinary circumstances, in the non-training period of the year there would only be 250 men stationed at each centre, of whom 200 would be recruits undergoing a severe course of training, and 50 old soldiers invalided or to be drafted. There would be in all about 15 officers; but he was informed on authority that the number of dining members of the mess—that mess to which the noble Marquess looked with so much apprehension—was not likely to exceed six, besides which the majority of the officers would be, in all probability, married men. He thought that if the noble Marquess looked at the map, he would find that Oxford possessed much larger railway facilities than High Wycombe. With regard to the suggestion of the noble Marquess that the Secretary of State for War might have a bias in favour of Oxford because the citizens were his constituents, he did not think it necessary to defend his right hon. Friend from that suspicion, and he would pass it by. As to the argument that if the depôt were established at Oxford there would be a difficulty in removing it hereafter, if such an argument were allowed to prevail against present practical advantages it would not be easy to come to any decision on such a subject. While he believed that the arguments against Oxford were not so gigantic as the noble Marquess seemed to suppose, their Lordships might be assured that the matter had not been decided, and that no decision would be come to on it without mature consideration.

THE DUKE OF MARLBOROUGH said, he should have thought, only for the last sentence in the speech of the noble Marquess (the Marquess of Lansdowne), that the question had already been decided by the War Office. What was it that enabled the noble Marquess to say that the site of the barracks would not be within two or three miles of the University?

THE DUKE OF RICHMOND said, he would be very glad if the noble Marquess (the Marquess of Lansdowne) would kindly give the House the basis of his calculation that the number of dining members of the mess would be only six, and that the majority of the officers would be married?

THE MARQUESS OF LANSDOWNE replied that no site had been selected at Oxford. What he meant when speaking of the distance of the site was, that care would be taken that it should not be nearer to the University than two or three miles. As a considerable number of the officers would have lodging-money, he believed he was correct in saying that the dining members of the mess would not exceed six. He believed it was probable that the commanding officer would arrange so that the majority of the officers in the depôt would be married officers.

LORD SANDHURST said, that some of the objections that had been raised by the noble Marquess (the Marquess of Salisbury), which had been heard in different parts of the country in the treatment of similar questions, depended rather upon his appreciation of the character of military officers than otherwise, and, perhaps, evinced a want of acquaintance with the facts on the part of those who permitted themselves to make such observations on the condition of society as affecting the officers in Her Majesty's service; but having been so many years connected with the Army as regimental and commanding officer he took exception to any suggestions which impugned the character of the officers of the Army and the depreciation of their character, and more especially of the younger officers. It was impossible not to attribute the statements of the consequences that were likely to flow from the establishment of depôt centres as given in all the representations that had come from various quarters, to the ignorance of military society. He was confident that everyone who had had an opportunity of forming a judgment on the matter would say that no small communities in civil life exhibited a higher morality or better order than the small military communities represented by officers' messes. That being so, he did not think any civil community, even an academic one, would be exposed to any danger from the presence of a depôt, whether the number of the dining members of the mess were six or sixteen, or whether the majority of the officers were single men or married men.

THE MARQUESS OF SALISBURY explained, or rather he protested against the involuntary statement of his opinion by the noble and gallant Lord opposite (Lord Sandhurst). He did not state or suggest anything derogatory of the Army; but that a number of imperfectly-occupied young men in close proximity of the University would be an incentive to idleness in persons *in statu pupillari* that would not otherwise exist. The noble Marquess (the Marquess of Lansdowne) seemed shocked at anyone suggesting the possibility of the Secretary for War being influenced by his constituents; but the noble Marquess himself, in the debate on the promotion of officers of the Scientific Corps, did not hesitate to state that noble Lords on the Opposition side were influenced by personal motives. *Sic volo sic jubeo* seemed to be the principle of the War Office. He should not move an Address, or propose to invite the House to expose itself to the insults of the Secretary of State for War; but it was possible that a legislative opportunity might arise without their being exposed to such rebuffs for ventilating the subject, and, if necessary, he should not scruple to ask their Lordships to avail themselves of it.

EDUCATION (SCOTLAND) BILL—(No. 183.)

(*The Duke of Argyll.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF ARGYLL, in moving that the Bill be now read the second time, said, it was now three years since he had the honour of directing the attention of the House to the subject of education in Scotland, and of asking the assent of their Lordships to a measure to amend and extend the law which now existed in Scotland on that subject. Three years might be a very long or they might be a very short period in a Parliamentary history. He thought he might say that the three years which had elapsed since 1869 had been a long period in the Parliamentary history of Scotch education. It had been a period, however, which had not been allowed to remain idle—during that time the question had been most keenly debated. It had been debated by all political parties and all religious parties, and discussed in its principles and incidents, in all its bearings and in all its probable results, all over the kingdom. He thought he might say, too, that, whatever might be their own individual opinions or predilections as to what in the abstract would be the best system of national education, their Lordships no longer stood in the same position that they occupied in 1869. Some things had been conclusively established; some things had been carried out by Parliament from which their Lordships could not now retreat, and the consequences of which they must all be prepared to accept. These changes were well worth reviewing. Three years since there was no such thing, properly speaking, as national education for England. The Parliament of the country had never acknowledged it to be its duty to see to the complete education of the people. For 30 or 40 years Parliament had been granting sums of money to various Churches and Societies, under certain conditions, towards the education of the people. During that period very great efforts had been made—especially by the Church of England—to turn to the best advantage the educational resources placed at their disposal. He did not think that too much praise could be bestowed upon the clergy of the Church of England for the self-sacrificing zeal they had brought to bear in the cause of education, and for the efforts they had made—often without due assistance from the laity—to fill up the great blank which had been left through the carelessness of former Parliaments. Parliament had not during those three years stood indifferent; but notwithstanding such aid and such exertions, they came to the conclusion that the system then in existence was inadequate and inefficient, and they set it aside. For his own part, he had no hesitation in saying three years ago that he had no objection to the denominational system of education. He still thought it was about the most natural organization to which the work of education could be entrusted. His theory of education was simple. It was that the duty of education lay first on parents. There was a call on parents in their collective capacity in any educational organization that might be formed; and, therefore, the organization of Churches fully agreeing on religious teaching was one of the most natural that could be formed. Failing that duty being performed by the parents, and failing its being performed by Churches, he thought the duty of the State came in. And this was very much the theory acted on in the matter of education by Parliament since 1869, and this was what was proposed to be done in regard to education in Scotland by the present Bill. Notwithstanding the energetic exertions of the Church of England and other Churches, assisted by the Foreign and British School Society, the population had so outgrown the organization that it was impossible the work could be done; and Parliament, having come to the conclusion that hundreds and thousands of children were growing up without religious or secular education, passed the Act of 1870. Now, the Act of 1870, establishing national education in England, was, like almost every great Act in this country, a compromise. It did not take any abstract principle and follow it to a legitimate conclusion; but simply took the practical view, that, as the Churches had failed to perform the work, and as every other voluntary organization had either neglected or failed to perform it, the Legislature ought to step in. This principle was then laid down—that it was the duty and right of the State to see that the education of the people was ample and sufficient. The Act of 1870 gave compulsory power over parents in case of neglect, and it gave certain powers as to the rating of communities for the purposes of education. Very powerful forces had to be overcome before that Act could be passed. In the first place, there was in this country an extreme objection to the multiplication of rates; in the next place, the Bill of 1870 had to overcome what was a still more powerful feeling—namely, the attachment of Churches to their own denominational schools. Lastly, the Bill of 1870 had to break through the sincere fear as to the danger to the religious education of the people in any system of national education. Now, as regarded Scotland, it could not be denied that for a very long time an admirable national system of education had existed in Scotland to a considerable extent; but it had been outgrown by the national want. He did not deny its quality, which was good; but something more was rendered necessary by the great increase in the population, by the growth of large cities, and by the development of mining industry—there was a great necessity in respect of the enormous increase of the population in the counties and the great cities, for additional school accommodation, and a fresh geographical distribution of those schools. He was not going to trouble their Lordships with the statistics which he gave on the last occasion on which he had addressed them. A Commission had sat the year before to inquire into the educational requirements of Scotland. No one would deny that with respect to the old cities of Scotland in the geographical position of the schools, there were immense deficiencies. He should read one extract from the last Report of Mr. Walker, an Inspector of Factories in Scotland, in which that gentleman said, speaking of the educational deficiencies in the great cities and counties—

> "He found, in a company of Scotch Militia, that out of 82 of the rank and file, including two corporals, 46 had marks to their names, and the remainder could write very little more than their names."

The Report added—

> "That it was a great mistake to suppose that education was more general in Scotland than in other countries. In the strictly rural districts, where parish schools were in force, much good had been accomplished, and agricultural labourers were better educated; but they must go to Lancashire and the West Riding, where the half-time system was in vogue, for good education."

This had reference, of course, mainly to the great cities, but it showed that in populous places the educational deficiencies in Scotland were marked. There was another point to which he wished to refer—namely, that whereas they found practically the same need with which they had to deal in England, they had not the same resisting force with respect to a national system of education as there was in the latter country. In the first place, it was an old established doctrine of the Scotch law that it was the duty and the function of the State and Parliament to see to the education of the people. There was nothing new in that doctrine. It was an old accepted doctrine in Scotland. It was familiar to the minds of the people, and therefore none of that resisting force which had been opposed to the Act of 1870 in England was to be experienced in Scotland. In the second place, there was not the same objection as there was in England of a reluctance to resort to rates for the purposes of education. In Scotland the established system of education was founded upon rates. Those rates were levied only upon one kind of property—namely, upon the proprietors and the tenants of land. There was another point of difference between Scotland and England in favour of a complete system of national education in Scotland. There was no great anxiety on the part of denominational Churches to keep up separate denominational schools. In England there was a great desire to keep up those schools, and one of the things which they dreaded most in England was the fear that the rate schools would ultimately absorb the Church schools. There was not the same feeling in Scotland. There was only one Dissenting Church outside of the Church of Scotland which had taken a strong and active part in support of separate education—that was the Free Church of Scotland; but the Free Church had been driven into that by exceptional circumstances. They did not desire to set up new schools; but the fact was by the old law the parish schoolmasters must be members of the Established Church; and when the Secession of 1843 occurred, some of the masters went over from the Establishment, and being therefore unable to retain their schools, there was nothing for the Free Church to do but to allow them to starve, or to set up new schools. He might mention that several members of the Free Church, and among them his old friend Dr. Guthrie, were against their setting up a new system of schools, and expressed the opinion that nothing but absolute necessity would justify it. That was the only real earnest attempt of any religious Body to set up denominational schools; but that, as he had already said, was the result of accident. These schools were not desirable—they taught nothing but what was taught in the Established Church schools—they simply arose out of the circumstances of the case, and there was no necessity for them; but, on the contrary, they were needless and a burden. There was another difficulty which had presented itself in England, but which would not be much felt in Scotland—arising from the number of denominational schools. In England there was a great fear of the national system of schools, but in Scotland there need be no such fear, and for this reason—that with the exception of the schools of the Roman Catholics and Episcopalians, which were denominational, the religious conduct of schools was universally the same, the hours devoted to religious instruction were the same, and there was practically no difficulty in regard to religious instruction. This being so, he did not think it possible for them any longer to shut their eyes to the necessity there was for seeing that the provision for the education of the people was made more efficient than it had been. One of the principles of the Act of 1870 was that of compelling parents to send their children to school. But in Scotland that was not new. By an old Act passed 400 years ago—in 1494—there was a system of compulsory education, and it was this—that freeholders were compelled, under a penalty of £20 to teach their eldest sons Latin, and how to administer the laws; but that referred only to the eldest sons, and it was not taken into account by the Scotch legislators that the eldest sons might die, and the second sons take their places. The Bill which he now asked the House to read a second time gave the same powers of compulsion as had been adopted in the English Act of 1870. It gave power to school boards to see that parents took means to educate their children, and power to impose rates for educational purposes. But the Bill also kept up the old Scotch principle—that there should be in every parish a local authority charged with educational affairs. At present the proprietors of the land did it. The only difference that this Bill made was with regard to the constitution of the school boards. Instead of confining the management of the schools to the proprietors of the land and the ministers, the whole community in the parish would have a voice in electing a school board which would look after the educational wants of the parish. The school boards would, therefore, include a representation of all classes of the community. The Bill abolished the present system of rating by which the burden was thrown exclusively upon land. He need hardly say that a system of rating confined to land, and not extended to all rated property, was a system which never would have been adopted in modern times—it was adapted to a time when there was no property but land and no ratepayers but landowners and their tenants; and accordingly, under this old Scotch law, there was no rating for educational purposes upon anyone but the owners of land, and all other rateable property was exempt. One of the main principles of the Bill was that this exclusive system of rating upon land was done away with; and wherever rates should be established, they were to be levied in the same way as the poor rates—one half upon the occupier and one half upon the owners of property. He desired to direct their Lordships' attention to a point which might not strike them on a first perusal. The Bill did not make rating absolutely necessary in all cases. It was quite possible that there might be parishes which could not have any system of rating at all. The Bill said that there must be rating where there was any deficiency in school accommodation; but where there was no deficiency in this respect, there need be no rate. The income of schools might be derived from several sources. First of all, there were the fees paid by the parents; next, there were grants by the Privy Council—there were sometimes ancient endowments; and, lastly, there were voluntary subscriptions. Now, though no doubt the principle adopted was a system of rating upon all rateable property, there might be many cases—and he thought he knew many cases—in which it would be quite possible for landlords to address their tenants by saying—"We are now relieved by this Act from the obligation of keeping up these schools by a rate. We, however, do not wish to make any alteration in the present system. If you will agree with us in the management of those schools, if the school board is elected to represent us, and practically to reproduce the present system, we, the proprietors, will continue to pay out of our property to the schools." He (the noble Duke) did not know that this system should be generally adopted, but there were a great many quiet rural parishes where there was no rateable property except land, and no one but landowners and their tenants; and it was perfectly possible for the proprietors to make such an arrangement as he had suggested. He had next to ask their Lordships' attention to the question of the religious difficulty, and to the principles adopted in the Bill in respect to it. He would remind their Lordships that, up to the passing of the English Act of 1870, the Parliamentary Grants were given, under the Minutes of the Council, chiefly to these two great national societies, which represented the Church of England, and to the British and Foreign School Societies, which represented the associated body of Dissenters. Under the principle adopted in the Minutes of Council, religious education was to a certain extent to be given; and there was this noticeable circumstance—that although money was given to schools which had no connection with any Church or with any Society, it was only given on condition that the Bible should be read. That was the system on which the Council founded their grants down to the passing of the Act of 1870. The first attempt that was made to break through this system, and to recognize purely secular schools, was by a Bill brought in by the noble Duke opposite (the Duke of Marlborough) as a Member of the last Government of Lord Derby. He (the Duke of Argyll) rejoiced that the proposition emanated from one whose earnest desire for religious education could not be doubted. The noble Duke felt, no doubt, that when no restriction as to religious education existed than that it should be conducted by some Church, Protestant or Roman Catholic, Unitarian or Trinitarian, and when the only condition imposed on secular schools was that the Bible must be read, with no security as to the spirit in which it was read or the consistency with it of the doctrines which were taught, it was necessary to give up the doctrine of the duty of the State to superintend religious education, and to recognize purely secular schools as doing the only work which the State had, he would not say the right, but the power to look to. That Bill did not pass, but it was a significant fact that such a proposal was made by a Conservative Government, and by the Committee of Council, under the conduct of a noble Duke sincerely desirous to do all he could in behalf of religious education. It being thus the determination of both parties that the State could no longer supervise schools with regard to religious instruction, the natural result was that the Act of 1870 freed the State altogether from that duty, and ostentatiously recorded in its clauses that the State had nothing to do with religious education, that it would take no part in religious inspection, and that the payments by the State to the schools, should be for secular instruction only. This being the solution of the religious difficulty at which, after keen discussion, Parliament arrived, and which he ventured to say all parties must accept, he knew of no peculiarity in the circumstances of Scotland which precluded the application to it of that solution. That solution consisted in interfering as little as possible with local parties, and in allowing them to manage religious instruction as they pleased, with the sole proviso that, as a condition of the assistance given by the State, the benefit of the secular instruction should be given to all children desirous of receiving it, without requiring them to accept the religious instruction also. The Church of England, though more jealous than any other body on this point, wisely accepted that solution as the only possible one under the the circumstances of the case; and it was a proof of the wisdom of their decision that the agitation now raised was against the compromise which they accepted—for the advocates of a purely secular system had found that under it the Church of England and the various Churches retained almost all the power which they previously possessed over the religious education of their own followers. Why, then, should the friends of religious education in Scotland demur to a conclusion which the Church of England had so willingly and so wisely accepted? Were there circumstances which rendered its application to Scotland more difficult? The circumstances were, on the contrary, more favourable than in England; for, with the exception of the Roman Catholics and the Episcopalians, the Dissenting Bodies practically agreed with the Established Church with regard to religious instruction. The Bill accordingly, adopting the solution arrived at in England, left the religious instruction to the free management of local bodies, with the protection of a Conscience Clause. He wished to say a word upon a point which had created a vast excitement—namely, with reference to "the Conscience Clause" or what was now generally termed "the time-table Conscience Clause." About a Conscience Clause there had never been any difficulty, for, though not an enactment, it had been laid down by the General Assembly of the Church of Scotland, as also, he believed, by the Free Church, that all scholars in their schools should have the benefit of the secular instruction without being obliged to accept the religious instruction. It was common, therefore, in parishes containing a few scattered Roman Catholics for their children to attend the parish schools, withdrawing from the religious instruction, and no complaint had to his knowledge ever been made of any attempt to proselytize on the part of the schoolmaster or clergy. Scotchmen, however, with their peculiar jealousy of interference by the State, were a little jealous in some quarters, of the State requiring them to do that which they had nevertheless always done, and in some parts there was a feeling against the time-table Conscience Clause. He desired to say a few words in explanation of that. The truth was, that a great many people in Scotland did not quite see the effect and the necessary consequence of an Act of Parliament which gave compulsory powers over parents to compel them to send their children to school. Now, this was practically the first time any power of compulsion over parents had been given; and it had been felt in England that when Parliament gave local bodies or a central authority so large a power—which in some cases might affect severely the pecuniary resources of families, and possibly even touch their conscientious scruples—it was bound to see that the religious scruples of parents were respected. A time-table Conscience Clause was, therefore, necessary—this being merely a regulation that any religious instruction should be given at certain definite hours—that the children of Dissenting parents might be withdrawn; for if it were mixed up with secular instruction, Parliament would have no security that such scruples would be respected. He hoped, therefore, that noble Lords opposite connected with rural populations in Scotland, which did not see the Parliamentary bearing of the question would explain, to their constituents he might say—for there were communities which were more or less represented and guided by Members of that House—that Parliamentary security for the operation of a Conscience Clause necessitated such an arrangement. Before he touched upon the religious difficulty, he wished to point out one difference between this Bill and the English Act, which was not an unimportant one. The English Act absolutely prohibited any catechism from being taught in schools. The clause containing that prohibition was introduced into the Act in the other House, and it was accepted as a compromise by the friends of the Church of England, and, as he had understood at the time, by a large number of the Dissenters. The present Bill contained no such clause, and the reason of this difference between the two Bills was that, whereas the Catechism of the Church of England was accepted in this country as the form of dogma of a particular religious body, the Westminster Confession was generally adopted by all the Presbyterian religious Bodies in Scotland. It was perfectly true that there was no prohibition in the Act against religious teaching in the schools, but only that a formula shall not be used. That clause was inserted with the consent of the Government, not at all with the notion—which was the notion of many persons—that it was wise to keep religion separate from dogmas. He always thought that an absurd idea. They must have some doctrine to which religious faith could be attached, and it would be utterly futile to separate religious teaching from dogmas. But there was this practically to be said in favour of that clause—he did not mean it as an abstract principle—but there was this to be said for it, it was accepted by the Church of England, and a religious party had assented to it. There were some Dissenting Bodies who would have no objection to send their children to Church of England schools and accept their teaching, provided their particular formula were done away with. That clause was not to be in this Bill, and he trusted that no Member of the House would ask for it. The simple ground of accepting it was this—that in Scotland the doctrine adopted by all the Presbyterians, the Free Church, the Established Church, the United Presbyterian Church, and, he believed, all the old Presbyterian churches, was the Westminster Confession, and that had got such a strong hold over the religious affections and religious feelings of the people that no measure would be accepted from which that was excluded. For his own part, he very much questioned whether the Churches of England or the Church of Scotland, if they were now drawing up for the first time a catechism for the schools, would prepare that catechism precisely as those who had gone before them. He believed they would not; and in regard to the Westminster Confession, although in his opinion it contained many questions and many answers which were the very noblest utterances of the

Christian Churches, still it was more intricate than he should like. It was enough to say that it was that to which the great mass of the people were earnestly and sincerely attached, and he for one thought it was wrong to interfere with dogmatic teaching. It seemed to him that they could leave that dogmatic teaching absolutely free, upon this one condition only—that the teaching might be acceptable to the whole of the people of Scotland. There was another very important part of the Bill to which he wished to direct the attention of the House. Although the existing parochial system of education in Scotland had failed in some measure in consequence of the educational wants of the country having immensely outgrown its power to meet them, the main cause of its failure was owing to the irremovability of the schoolmasters. Under the existing system in Scotland, it was almost impossible to get rid of a bad master, who held nearly as secure a freehold in his office as the parish priest. Unless the schoolmaster could be shown to have committed certain illegal acts, which it was very difficult to do, the parish was saddled with him for life, however inefficient he might be proved to be. At least 90 per cent of the inefficiency of the parochial system could be traced to that cause. In the Act of 1861 an attempt was made to remedy this defect in the law by transferring the power of removal from the Church Board to the Sheriffs; but that Act had been found to work inefficiently, only one or two masters having been removed under it. The Government and the other House of Parliament had come to the conclusion that the only way to get rid of the difficulty would be to permit free bargains to be entered into between the masters and the local boards, under which the former were to be retained as long as they performed their duties efficiently, but would be liable to dismissal if they performed them in an inefficient manner. He was aware that this proposal would be criticized by those who were accustomed to the old system, but for his own part he thought that it was unobjectionable. Another part of the Bill which had given rise to much discussion was that which related to the machinery by which the Bill was to be carried into effect. The measure proposed that local Commissioners should be appointed for four or five years by the Privy Council, whose duty it would be to set the machinery provided by the Bill in motion, to unite or divide certain parishes, and to superintend other matters which required a knowledge of detail which could not attained by a London Board; but after the machinery had been thus put into working order, the general government of the education in Scotland would be handed over to a special department of the Privy Council. He thought he had now said enough to inform their Lordships of the nature of the Bill he now asked them to read a second time—he only wished further to express a very earnest hope that there would be no further delay in bringing this question to a settlement. Without in the least desiring to utter anything that might be regarded as a threat, he should regard further delay in the settlement of this question with considerable fear, lest it should result in the adoption of a purely secular system of education—a result he lookod forward to with as much dread as any other noble Lord in the House. Under no circumstances would he be the mouthpiece of a Government which should propose the adoption of such a system, and therefore he must be held free from uttering that warning in the light of a threat; but he was bound to tell their Lordships that he was alarmed at the prospect of this question of education being delayed much longer. Although the Act of 1870 had been wisely accepted as a compromise by both the Church of England and a large portion of the Dissenting Churches in this country, no man could deny that a very alarming agitation had been got up against the principles of that Act, and against any remaining relics of religious education which were preserved by it. Even men for whom he had the highest respect showed a tendency to adopt a purely secular system of education. He regarded such a system as an impossible ideal, and as such he hoped it would remain at least during the present generation. It would be very strange, indeed, if in this Christian country no child was to be allowed to receive any religious teaching whatever in our schools—that they should receive an education without hearing the name of God or receiving a glimpse of a future state. His objection to the secular system was that it put positive obstructions in the way of religious education. The advocates of the secular system recommended that the masters should be actually prohibited from giving religious instruction, and that religious instruction should be given neither in the same place, nor by the same men as the secular instruction was given. That was putting absolute legislative restrictions upon religious education, and he could not be one to recommend such a system to Parliament. He believed that the people of this country were determined, as far as they could, to have a religious education; and his objection to the secular system was, that, in regard to a great mass of the people of Scotland, if they did not receive a religious instruction at those schools, it was certain they would not receive it anywhere else. Why, what was the real necessity under which they were called to legislate at all on the subject of education? Was it not because the Churches had failed to overtake the growing wants of the people? And, therefore, unless the opportunity for religious instruction was given in the national schools, it was almost certain that a large proportion of the people would get no religious instruction at all. On those grounds, then—on the ground of the positive merits of the measure—on the ground that it found a solution of the difficulties under which they laboured, he ventured to recommend it to the favourable consideration of their Lordships. It was not without some reluctance that he presented to them a Bill which, even in appearance, interfered with the system of education which had existed so long in Scotland and of which they had been so proud, and which as far as it extended had unquestionably done its work so well. But the more they looked at that Bill the more they would see that the edifice it proposed to raise was an edifice raised on the lines of the ancient Scottish system, with no other changes in it than those which were required by the changed condition of society and the changed relation of the Churches to that society. It had been suggested that they should legalize "the use and wont" of the Scottish people in regard to religious education; but he said let them leave religious education to that use and wont, and it would not be departed from, for the use and wont of a people were far more powerful than any law that they could pass. The Westminster Confession had a strong hold on the majority of the people of Scotland, and they might leave the religious instruction of the young to them, with full confidence that under the new scheme all that was good in the old system would be continued and strengthened, and that the education of the country would be permeated by that spirit which had made it so successful for many centuries.

Moved, "That the Bill be now read 2ª."—(*The Duke of Argyll.*)

THE DUKE OF RICHMOND said, he was glad to be able to agree very cordially with much that was contained in the last portion of the very eloquent address which the noble Duke had offered to the House, and more particularly with his remarks in reference to the secular system. He also agreed with another remark of the noble Duke—namely, that it would be a very disastrous thing for the people of Scotland if some settlement of the question with regard to the education of the people was not speedily come to; and he further thought that, judging from past experience and the evidence they had before them, the chances were that measures brought forward on the subject in succeeding years might not be so satisfactory to their Lordships as the Bill now under their consideration. But he could not agree with him in regard to various details of the Bill. He was glad that the task of introducing the Bill had fallen into the hands of the noble Duke, because he had for so many years devoted his attention to the subject of the education of the people of Scotland, and there was no one more competent or more able to give information with regard to the habits, wants, and educational requirements of the people of Scotland than the noble Duke who had just addressed them. The noble Duke had shown his ability to do so by the measure he brought in on a former occasion, and he (the Duke of Richmond) confessed he regretted that the measure now under discussion should be, to his mind, so much at variance with the Bill the noble Duke introduced in 1869. His noble Friend stated on that occasion that the Bill was mainly based on the Report of the Royal Commission over which he had presided; and that its provisions embodied the recommendations of that Commission. It had, moreover, this advantage, that in its Preamble there occurred these remarkable words — for which he looked in vain in the present measure—that it was intended "to extend and improve the parochial system of education in Scotland." The difference between the two Bills was this —that, whereas that was a Bill to extend and improve the parochial system of Scotland, this Bill at once put an end to that system; and although it might be perfectly true that that system might not have been sufficient in the larger towns and in some of the mining districts, to overtake the educational wants of the people, he was rather astonished to hear the noble Duke state that of the want which now existed in Scotland, 90 per cent of that want was caused by the inability to get rid of bad or inefficient schoolmasters.

THE DUKE OF ARGYLL: In the rural districts.

THE DUKE OF RICHMOND: So that they were putting an end to an admirable system, because 10 per cent of it had failed to overtake the educational requirements of the country; for by bringing in a measure for the removal of inefficient masters they would, according to the noble Duke's own showing, get rid of 90 per cent of the inefficiency and the difficulty experienced in the local districts at least. He regretted that this measure would destroy a system — the parochial system—upon which, in 1869, the noble Duke himself pronounced an eloquent eulogy. He hoped the noble Duke would excuse him for quoting his words; but in asking their Lordships to assent to the Bill of 1869, the Preamble of which contained the words he had just quoted, the noble Duke said—

> "My firm belief is, that if this Bill is adopted we shall confer the inestimable benefits already derived from our parochial system. We shall be erecting a lasting monument in grateful memory of immortal names."

Now, however, instead of erecting a system which in 1869 was to be "a lasting memorial," the noble Duke laid his axe at the root of that noble tree for the purpose of inaugurating and establishing a system which he believed was totally different from the parochial system — as different from the parochial system as one system could be unlike another. They all knew that under the parochial system great benefits were conferred on all classes of the community. Anyone who knew anything of Scotland knew that under it the son of the humblest labourer was enabled to raise himself by it to go into the Universities, and if energetic, frequently to become a respected minister of the Church, or a distinguished member of other professions. He regretted that these inestimable benefits should be entirely, as he thought, destroyed for the purpose of establishing a system like this in its place. He took exception to the Factory Report the noble Duke had read as to ignorance of the inhabitants who were occupied in the factories. His impression was, that a great number of those employed in the factories were Irish people—and he did not consider that the Report was a good witness for the noble Duke—and he should have liked very much to know the name of the regiment of Militia to which he had referred, and in the ranks of which there appeared to be some of the worst educated people in that part of the United Kingdom. He certainly thought they would hardly find another regiment of Militia, especially in Scotland, in which there were so many ignorant persons. There would be a great difficulty at the present moment, particularly after what had occurred in England since the introduction of the Bill of 1869, in setting up in Scotland two distinct and opposite systems—and although he objected to some of the details of the Bill, he regarded it as a very good solution of the difficulty. The present system was, no doubt, objected to on the ground of narrowness, because the management of the schools was vested in the heritors and the clergymen, to the exclusion of all other denominations from a voice in the election of the schoolmasters, although the representatives of other denominations were quite as intelligent and religious as those of the Established Church. Not wishing, however, that a measure of education for the people of Scotland should not pass during the present Session, he did not intend to offer any objection to the second reading of this Bill. But he wished to make a very few remarks upon some of the more salient points in discussing the various provisions of the Bill. He was rather surprised at the manner in which the noble Duke alluded to religious education, and he confessed that throughout the length and breadth of this Bill there was not within the four corners of it any recognition of religion in it. It was perfectly true that of late there had been no special enactment with regard to religious education; but without going back or entering into details, there was the celebrated work of John Knox, recognizing religious education, which had been practically acted upon up to the present time. And another very important part of the management of the schools in Scotland which ought not to be lost sight of was, that the minister of the parish was always appointed to be one of the managers of these schools. Therefore it was necessary that religion should be taught in the schools, else there was no necessity that the minister should form one of the Board. No later than 1861, the last Schoolmasters' Act that was passed embraced this principle of religious instruction—at any rate, prohibited the giving of any instruction contrary to the doctrines of the Church. Therefore, we must assume that it was intended that religion should be taught in the schools. He found not only no recognition in this Bill of religion, but there was a clause, as it seemed to him, almost indicating that everything connected with religion was to be swept out of it. He referred to Clause 75. His point was this—We see religion recognized by all the statutes from 1567 down to 1861, and by the 75th clause all these Acts are repealed. That was to say, every Act which had gone before, and which had recognized religion, was entirely repealed and put an end to by this Act, in which there was no mention of religion or indication of it. He said at once, then, that religion did not form part of the Bill. Therefore, in Committee he trusted their Lordships would accept some recognition of religion in a form which he would take the liberty of suggesting to their Lordships. He was the more inclined to do this from the very remarkable speech made by the Lord Advocate at Stranraer. The Lord Advocate entered at great length on the subject of religion, and he said it would be a monstrous thing to teach a child elementary secular education, unless it received religious education. He said further he would neither proscribe religious education nor prescribe it. He should follow the example of the Lord Advocate—and his Amendment would be conceived in that spirit—and should neither proscribe nor prescribe religious education, but he should recognize it in some form or other, which he thought it was not by the Bill. He would now refer to another point—and he confessed he was very much alarmed at the proposal—that the Central Board, which was to become the Scotch Education Department, was to be located in Whitehall. The noble Duke (the Duke of Argyll), in reply to some observations made by a noble Marquess on his own side of the House (the Marquess of Ripon) on this Central Board, informed him that he had a great respect for his opinions on various matters, but there was one subject upon which he should pay no respect whatever to his opinion, and that was in respect of the education of the people of Scotland; and he added that, of all the Departments least calculated to deal with the education of Scotland, it was the Department presided over by the noble Marquess. He (the Duke of Richmond) might say, with regard to this Central Board, that he had no respect whatever for the noble Duke's opinion. He should move an Amendment giving to the Board a Scotch, not an English character. What was the Board in England to consist of? A room in Whitehall, and the name "Scotland" painted over it. There seemed nothing real in it. He hoped that there would be a real Scotch Board, competent to deal not only with the educational system in Scotland, but also to give confidence to the people. With regard to the next point—the constitution of the school boards—he confessed he was somewhat alarmed, because he feared the character of the school boards, which had managed the schools of Scotland so well for 400 years, would be impaired. Hitherto the boards had been composed of men of education, and he feared that the high standard of education of which Scotland had been so proud would be reduced by the introduction of men of a lower education. They must recollect that there was a question of rates involved, and upon the amount of money that would come out of the pockets of the ratepayers would depend the education given. He would not trouble the House with details, and he should reserve for the Committee the question whether it would not be wiser to have a higher class of persons on the board than could be expected from £4 ratepayers. Another point to which reference had been made that evening was the position of the schoolmasters in Scotland as compared with the same class in England. He had heard it stated that the position of the Scotch schoolmasters accounted for the supposed superiority of Scotch education. Well, if they put the power of electing the schoolmasters into the hands of a lower class of individuals than had hitherto managed the schools, did they not endanger that high-class education which had hitherto been given? He thought there were some other points connected with the schoolmasters which might be considered in Committee—such as the collection of school fees and other matters of detail, upon which he would not now detain their Lordships—but he should like to make a few remarks upon the Conscience Clause which was embodied in the Bill under discussion. He thought the clause as it stood in the Bill was an extremely bad one, and that for several reasons. In the first place it seemed to him that its operation would only tend to hamper the schoolmasters as to the time at which religious teaching should be given to the children under their charge. The noble Duke had expressed his opinion that no child ought to go through a school course without religious instruction, and therefore it followed that the schoolmasters ought to be able to give such instruction in those hours which were most suitable to the children instructed. He quite concurred, therefore, with the noble Duke in thinking that a Conscience Clause ought to form part of the Bill; and he also concurred in the opinion that, in order to ensure regularity of instruction, it should be a "time-table" Conscience Clause. If they compelled parents to send their children to school, they ought to let them know at what hours religion was to be taught. In his own parish children of parents belonging to the Established Church and the Roman Catholic persuasion sat side by side in the schools, where they received the same Bible lesson, and took the Bible home to prepare their lessons —facts which were within the knowledge ef the Catholic priest who lived within half-a-mile of the schools, and, as far as he knew, raised no objection. This fact showed that in the case to which he referred a Conscience Clause was not, perhaps, an absolute necessity; but there were many places where the necessity existed. In any case it was advisable to have a good Conscience Clause, if they had one at all. As he had said, he thought the clause contained in the Bill was a bad one, and mainly because it provided that religious teaching should only be given at the beginning or the ending of the day; and in the latter case, it must come after the prescribed four hours of secular instruction, and in many cases would prove highly inconvenient to children whose parents lived in scattered parishes, far removed from the schools. In many cases, therefore, the children would be entirely debarred from receiving religious instruction. He should, therefore, when they reached the Committee on the Bill, ask their Lordships to assent to the striking out of the 65th clause, in order to substitute for it the Conscience Clause, which stood part of the English Act of 1870, and which had the advantage of having stood the test of two years' experience without proving to be possessed of any particular demerit. He should not at the present time trespass any further upon their Lordships' time than to assure the noble Duke that he should go into Committee upon the Bill with an earnest desire to improve it, if he could, by offering suggestions which, he believed, would have the effect of making the measure more palatable to the people of Scotland, and at the same time of conferring upon them that which the noble Duke and himself had at heart in common—he meant that greatest of all possible blessings, an efficient and religious education.

THE EARL OF AIRLIE said, he had heard with great satisfaction that the noble Duke who had just sat down did not intend to oppose the second reading of the Bill, which he regarded as most satisfactory when compared with other similar Bills that had preceded it. The noble Duke had stated that a large proportion of the children who could not read or write in Scotland were Irish; but he found from the Report which the noble Duke quoted, that the Inspector stated a large number of them to be Scotch—thus showing that an Education Bill was needed for Scotland as well as for the other portions of the Empire. With regard to the objection that no religious instruction was intended to be given, he could only point to the provision that no children were to be compelled to attend school during the hours of religious teaching, as showing by inference that in the great majority of cases, religious instruction would be provided. He was glad to find, further, that the Bill proposed to give the school boards power, where they thought it necessary, to discharge the schoolmasters. At present there was the greatest possible difficulty in reference to this matter, owing to a defect—which he had endeavoured unsuccessfully to remove — in the Scotch Education Bill of 1869. He desired now to say a few words on points in which he thought the Bill now under discussion was defective. The first of these had relation to the arrangements for examination both of the schoolmasters and the schools. He found that the examiners were to be appointed by the Scotch Education Committee or Department—a very great change from the system which had prevailed hitherto, of having the examiners appointed by the Universities; and those who knew anything of the Scotch education system would recognize the importance of endeavouring to obtain, as far as possible, a connection between the primary schools and the Universities. This fact was fully recognized in the Report of the Commission of which his noble Friend (the Duke of Argyll) was Chairman; and it could not be too often repeated—that the theory upon which the school system of Scotland was originally conceived, was to supply the best means of education, in order to enable the superior class of students to attain to the Universities. In Scotland they would like to have a higher standard than that which had existed hitherto, and they were afraid that if the appointment of the examiners were vested in the Privy Council, this higher standard would be lost. He therefore ventured to suggest that a certain number of the examiners might be appointed by the Privy Council, and the remainder by the University Boards. With regard to the other question, he must say that, with all respect for the town councils, he did not think they were the most competent bodies that could have been selected to appoint the persons who were to examine teachers in the higher branches of education; nor did he agree with the proposal that the wishes of the head-masters were to be consulted with reference to the examiners who were to be appointed. The examiners were to act as a sort of check upon the head-masters, and it was therefore a most extraordinary proposal that the masters were to be consulted as to the appointments. He should like to hear fully the views of Her Majesty's Government upon this when the Bill got into Committee. He hoped that the whole of these matters would be fully discussed in Committee. He was glad to find that the principle of the measure met with the approval of both sides of the House.

Lord MONTEAGLE said, he was a humble supporter of the Bill, but he supported it not relying on any universal principle, save the principle that it was the duty of the State to promote the well-being of the people. It appeared to him that that principle applied especially to Scotland, but not to Ireland, and least of all in the case of primary education, in regard to which its result would be most disastrous. He should, therefore, most strongly deprecate the passing of this Bill being made a precedent for the settlement of the great question of primary education in Ireland.

The Earl of ROSEBERY hoped that he would be allowed to say a few words on the subject. He confessed that he rather adhered to the expression of opinion made by the noble Duke in 1869 in relation to the Scotch Education Board. He regretted that he could not concur with the noble Duke that it was impossible to introduce into an Education Bill for Scotland the 14th clause of the English Act. The noble Duke (the Duke of Richmond) had remarked that some of their Lordships had, in a certain sense, constituents as truly as any Member of the House of Commons. Now he had himself that evening presented a Petition from a large association which had for its object the separate religious and united secular education of the people. The persons who signed that Petition declared that it would be most repugnant to their views that a public rate should in any way be devoted to the support of denominational education. On a future occasion, he should feel it his duty to give their Lordships an opportunity of expressing an opinion on that point. He confessed that he took the same view of the matter as the members of the association to whom he had referred, and he should be ashamed of himself if he shrank from avowing his opinions.

LORD ORANMORE AND BROWNE said, the noble Duke (the Duke of Argyll) in moving the second reading of the Bill, had not stated the reasons which induced the Government to propose a measure this year based on principles denounced by the noble Duke himself in moving the second reading of the Bill of 1869. He did not believe that the people of Scottand desired the change—certainly they had not shown much indication of such a wish by their Petitions, for their own petitions Presented to the other House against the Bill were signed by nearly 20,000 persons against parts of it—especially touching religious education, from above 200,000, while not above 8,000 had signed in favour of it. He, therefore, much regretted the noble Duke (the Duke of Richmond) had not moved its rejection. The standard of education under the existing system was as high as in Prussia, where the compulsory system existed, and the use and wont of religious teaching in the parochial schools had given to the Scotch nation the high character for persevering industry and good conduct which gained for them respect and advancement wherever they went. But he feared that in the event of this measure becoming law, the inevitable result must be that the deep religious feeling which was one of the main elements of the Scottish character would little by little decrease. If the schoolmaster were encouraged not to give, and the children not to receive, religious instruction, such would be the inevitable result. The only reason that the Bill was accepted in its present shape was, that the Free Church were in such a hurry to free themselves from the support of their schools, and have them supported from the land; and this was a poor reason for giving up a school system established by John Knox, and still working most efficiently. He would not dwell on the heavy increase of taxation under this Bill. He was sorry their Lordships accepted the Bill at all, but he was happy to think it would not pass into law without those Amendments which bore upon religious education in Scotland.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

TREATY OF WASHINGTON BILL [H.L.]

A Bill to carry into effect a Treaty between Her Majesty and the United States of America —Was *presented* by The Earl of KIMBERLEY; read 1ª. (No. 191.)

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 5th July, 1872.

MINUTES.]—SUPPLY—*considered in Committee* —CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Ordered—First Reading*—Farm Buildings (Scotland)* [231].

First Reading—Union of Benefices Act Amendment * [229].

Second Reading—Criminal Law Amendment Act (1871) Amendment [157], *debate adjourned.*

Report of Select Committee—Juries * [No. 286]. [Bill 230.]

Committee—Metalliferous Mines Regulation (*re-comm.*) [151]—R.P.

Committee — Report — Mines (Coal) Regulation (*re-comm.*) [150]; Drainage and Improvement of Lands (Ireland) Supplemental (No. 2)* [218].

Considered as amended—Pier and Harbour Orders Confirmation (No. 3)* [171].

Third Reading—Naturalization* [145]; Bank of England (Election of Directors)* [211]; Municipal Corporations (Wards) [102], and *passed.*

The House met at Two of the clock.

PARLIAMENT—ORDER OF BUSINESS ON NOTICES OF MOTION.

QUESTION.

MR. NEWDEGATE, having been called on by Mr. Speaker, said, he should have to ask the advice of the right hon. Gentleman in the Chair with respect to a Notice which he should have to give. As it involved a question of Order, he would act upon the right hon. Gentleman's warning on a previous day, and, therefore, he now begged to move the Adjournment of the House.

MR. SPEAKER: According to the Orders of the House, the rule is, that after the Private Business, Petitions, and unopposed Motions have been disposed of, the Notices of Motion should be given. I therefore called upon the hon. Member to give a Notice of Motion, and he cannot take that opportunity of moving the Adjournment of the House.

NEW LAW COURTS—THE STRAND FRONT.—QUESTION.

MR. CAVENDISH BENTINCK asked Her Majesty's Government, Whether it is their intention to authorize the expenditure of public money in the execution of the design for the Strand Front of the New Law Courts, which is now exhibited by Mr. Street at the Royal Academy, and which was dated November 1871?

MR. AYRTON said, that on more than one occasion he explained to the House that the design for the New Law Courts was not approved by him, but by the Lords of the Treasury; and since they approved the sketch of the design, Mr. Street intimated that he was making some small changes in the elevation towards the Strand. The nature and extent of those changes he was not able to judge of, because he had adjourned the consideration of them until Mr. Street sent in his regular contract plan and elevation for the building. The design exhibited at the Royal Academy was not the real elevation, but was merely a perspective drawing of the design which Mr. Street had in view in November or December last. As soon as Mr. Street sent in his regular contract plans and drawings, they would have to be considered either by the Office of Works or the Treasury; he could not say which at the present moment. If by the Office of Works, they would only have to see whether the contract plan was in accordance with the sketch plan sanctioned by the Treasury. If the contract plan was to be considered by the Treasury, they would be able to judge of the whole plan as before. No doubt, a great many observations had been made on the elevation of the Law Courts towards the Strand; but while great difference of opinion and much dissatisfaction had been expressed, there had been no such general disapproval as would render it necessary for the Office of Works to take any steps on the subject. In the case of the University of London great dissatisfaction with the elevation was at first felt; but, then, any hon. Member of that House took the decisive course of moving a Resolution condemning that elevation, and though the building had been partly erected, the Office of Works was compelled to take down what had been done, and to have a new elevation made in deference to the opinion of the House. That was the precedent which any hon. Gentleman who disapproved the design of the New Law Courts ought to follow, and if he succeeded in inducing the House to adopt his view, it would then be the duty of the Office of Works to reconsider the subject.

PARLIAMENT—GRAND JURY PRESENTMENTS (IRELAND) BILL.

QUESTIONS.

CAPTAIN ARCHDALL asked the Chief Secretary for Ireland, Whether, considering the advanced period of the Session, and that many Irish Members will be absent during the next fortnight attending the Assizes, considering also the important changes contemplated by the measure, the noble Lord will consent to withdraw the Grand Jury Presentments Bill? The hon. and gallant Member said, he had to complain that his Question, as it appeared on the Notice Paper was different in terms to what it was when given in from him.

THE MARQUESS OF HARTINGTON said, he did not propose to withdraw the Bill which was the subject of his hon. Friend's Question, for there was some hope, though, perhaps, not a very strong one, that the House would be able to proceed with the consideration of the Bill on this subject that day. If not, he hoped an early day would be named for the second reading; for though at that advanced period of the Session, there was no great prospect of being able to pass the Bill this year, it would be of the greatest possible importance that there should be a discussion upon it, in order that the views and wishes of hon. Members might be ascertained, with a view to facilitate future legislation on the subject.

MR. SPEAKER: With reference to the complaint made on the alteration of the Question as originally proposed by the hon. Member, I think it right to say that it is against the Rule of the House to put Questions which involve opinion or argument, and, in accordance with that Rule, the terms of the Question of the hon. Member were altered by the Clerks at the Table under my authority.

IRELAND—CONSTABULARY FORCE.

QUESTIONS.

MR. P. J. SMYTH asked Mr. Attorney General for Ireland, If it be true, as stated in Dublin newspapers, that a Royal Commission had been appointed to inquire into the grievances alleged to exist in the Royal Irish Constabulary Force; and, if so, if he will state the names of the Commissioners?

MR. MAGUIRE asked, Whether it was a fact that there were at the present moment 1,000 vacancies, more or less, in the Force? and, if so, why those vacancies existed?

THE MARQUESS OF HARTINGTON said, it had been decided to refer the complaint which had been received from the Royal Irish Constabulary, and also from the Dublin Metropolitan Police, on the inadequacy of their pay, to a Commission about to be appointed for the purpose of investigating similar complaints from the Irish Civil Service. He had been enagaged for some time in endeavouring to procure the service of what he believed would be competent Commissioners, but he was not able as yet to communicate their names to the House. He hoped, however, in a few days to be in a position to do so. He was not able, especially without Notice, to answer the Question of the hon. Member for the county of Cork. He was aware there was a considerable number of vacancies in the Royal Irish Constabulary, but he did not think they were anything like the number stated.

IRELAND—THE GALWAY ELECTION PETITION—THE MAYOR OF DROGHEDA.

QUESTIONS.

MR. WHITWORTH asked Mr. Attorney General for Ireland, Whether the statement, as reported, that

> "The Irish Executive, for the first time since Commissions have been issued, has omitted the name of the Mayor of Drogheda from the precept for holding the ensuing Assizes for that county town"

is true; and, if so, if he would state to the House what are the reasons why the chief magistrate of that ancient borough has been omitted from the precept?

COLONEL STUART KNOX said, that on the same subject he wished to put a Question to his right hon. and learned Friend the Attorney General for Ireland—namely, Whether this Mayor was the same right worshipful Thomas Simcocks who, on the 14th of June last, issued a placard, on the requisition of James Matthews, J.P., Thomas M'Evoy, J.P., Patrict Ternan, J.P., Thomas Green, J.P., John Gradwell, J.P., John Chadwick, J.P., and other inhabitants of Drogheda, requesting him to call a meeting at

> "The earliest convenience, for the purpose of expressing our disapprobation of the unwarrantable attack which Mr. Justice Keogh made on the Venerable Archbishop of Tuam, the Bishops, and clergy of Galway and its vicinity, when delivering his judgment on the recent Galway Election."

Whether such meeting did take place on Sunday, the 23rd of June, and whether the right hon. Gentleman thought such a person fit to be associated with Her Majesty's Judges at the coming Assizes for the county of the town of Drogheda?

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE) said, he must defer the answer to the Question put by the hon. Member for Drogheda (Mr. Whitworth), for he had not the requisite information. If, however, the hon. Member would repeat his Question on Monday, he had no doubt he should be in a position to satisfy him on the subject. With respect to the Question of his hon. and gallant Friend (Colonel Stuart Knox), he did not know whether the Mayor referred to in the advertisement was the Mayor referred to in the Question, though, unless Drogheda had two Mayors at once, he probably was the same. As to whether he was a fit man to be associated with Her Majesty's Judges in the precept for holding the Assizes, he must decline to answer such a Question at five minutes' notice, and thought it would not be a proper Question to answer at any time.

CATTLE IMPORTATION—CATTLE FROM SCHLESWIG-HOLSTEIN.

QUESTION.

MR. SAMUDA asked the Vice President of the Privy Council, Whether the Government has been able to make arrangements with the German Government by which cattle from Schleswig-Holstein can be imported without the necessity of being slaughtered at the port of landing, and therefore, as regards London, with a free permission to pass alive to the Metropolitan Cattle Market at Islington?

Mr. W. E. FORSTER: An Order will appear in *The Gazette* to-day with regard to the importation of cattle from Schleswig-Holstein; and as it relates to a most important matter, perhaps the House will allow me to explain the meaning of the Order. All cattle from Germany are considered under the Cattle Diseases Act as scheduled cattle, and, accordingly, for some time past they have, in pursuance of an Order of the Privy Council, been slaughtered at the port of landing. The reason why it was necessary to keep up that restriction is because of the proximity of Germany to Russia and other countries in which the cattle plague permanently exists, for, of course, we could not be secure that in admitting cattle from German ports we should not admit cattle which came from Russia, or which had been in contact with infected cattle. We have been always sorry that that restriction applied to cattle from Schleswig-Holstein, where large numbers of cattle are bred, and where experience has shown that they are as free from disease as cattle in most countries, if not more free. But no arrangement seemed possible by which we could be sure that we had to do only with cattle from Schleswig-Holstein. However, I am glad to say that the German Government, having shown much interest in the matter and much willingness to meet the demands of the trade, have now arranged, through my noble Friend the Foreign Secretary, to give to cattle imported from Schleswig-Holstein a Government certificate of origin declaring that they are really bred in that country. The Order, which will be issued to-day, will allow such cattle to be imported, and to go into inland towns or into the Metropolitan Cattle Market at Islington in the same manner as cattle from Denmark and Holland, provided those conditions are fulfilled which, after careful consideration, we deem sufficient.

ARMY—BRIGHTON REVIEW ON EASTER MONDAY.—QUESTION.

Lord ELCHO asked the Secretary of State for War, Whether he will lay upon the Table the Reports of the Officers of the Regular Army who commanded Volunteer Brigades at the last Brighton field-day on Easter Monday? The Report of the General in command has been given; but he understood that the Reports of the Brigadiers were favourable, and as it has been stated publicly that the Volunteer Force is not worth the paper on which the Estimate was written, he thought that in justice to the Volunteers these Reports should be produced.

Mr. CARDWELL: Sir, the usual course has been pursued in this matter. The Report of the General Officer who commanded at Brighton has been laid on the Table, and it certainly gives no encouragement to the idea that the Volunteers are "not worth the paper on which the Estimate is written." Nothing which has been said by any official authority in this House or elsewhere in the least degree favours any such impression. But the production of the Reports made by the subordinate officers is not usual; it would not be agreeable to the general practice approved by military authorities that I should produce them; and if such documents were produced they could not in future be written as freely as all these Reports should be written.

PARLIAMENT—RULES AND ORDERS—ORDERS OF THE DAY—RIGHTS OF PRIVATE MEMBERS.

Mr. NEWDEGATE, who had on the Paper the following Notice:—

> "To move, as an Amendment to whatever Order may be entered upon the Notice Paper as to be taken first at the Two o'clock Sitting of the House on the fifth July next, that the Order for the Adjourned Debate upon the Second Reading of the Monastic and Conventual Institutions Bill be then taken,"

said: Sir, that I may be in Order when I put the Question which I intend, I beg now to move the Adjournment of the House. I had intended to propose that the Order for the Second Reading of the Monastic and Conventual Institutions Bill should be taken first, in preference to any other Order that might have been entered upon the Notice Paper. You are aware, Sir, that I gave Notice of that intention in order that I might raise the question whether the Government has, or has not, the exclusive right of precedence at the Morning Sittings of the House. I waited last night until the conclusion of the Business of the evening, in the hope of ascertaining what Order the First Lord of the Treasury would set down first on the list—because it would have been more regular that I should have given Notice in reference to that Order. But I found that the Government intended to take shelter behind a Standing Order. The right hon. Gentleman placed the following Orders on the Paper:—First, "the Mines (Coal) Regulation Bill—Committee." Then the "Metalliferous Mines Regulation Bill—Committee;" "Local Government Board (Ireland) Salaries Bill—Committee;" and fourth, the Committee on another Irish Bill. Now, by the Standing Orders of the House, no Question can be put upon the Motion for you, Sir, leaving the Chair, that the House may proceed with the Committee on a Bill; and therefore by this arrangement of the Government—by their having put down no less than four Bills for progress in Committee—they have brought a Standing Order across the path that I intended to pursue. That is the action of the Government on the matter. Sir, in answer to a previous Question that I put to you, you were good enough to state to the House that the precedence of Government Orders of the Day at Morning Sittings does not rest upon any Standing Order, or upon any Resolution of the House, but had been determined in accordance with the practice of the House—by the decisions given by your predecessor in the Chair in 1851. I have looked at that ruling. It appears that it was given in reply to a Question of Mr. Frewen's, and that at that time the House did not meet at 2 o'clock, but that when there were Morning Sittings it met at 12 o'clock. It met at 12 o'clock, and sat till 4 o'clock. The Sitting was then suspended till 6 o'clock, when Business was resumed. Well, the difference between those hours of meeting makes a vast difference in regard to the opportunities available to non-official Members for bringing forward their Bills and Motions. Under the former arrangement, when the House met at noon, rose at 4 o'clock, and resumed at 6, they would have six hours and a-half—from 6 o'clock till half-past 12 o'clock. But now that the Morning Sittings begin at 2 o'clock, and last till 7 o'clock, and that the House does not resume its Sitting till 9 o'clock, there are only three hours and a-half—until half-past 12 o'clock — of which non-official Members can make use; because, by the recent Resolution of the House, measures of which Notice of Opposition has been given, cannot be taken after half-past 12 o'clock at night. I may also remind you, Sir, that, in answer to me, you decided that if an Opposed Order comes on after half-past 12 o'clock, and if any objection be taken to the day, to which the hon. Member in charge of it proposes to postpone it, the objection will be valid, and the Order must be adjourned to the next day, or become a dropped Order. The Bill, in fact, would stand in the position of a dropped Order. Well, Sir, it is obvious that this process of objecting to postponements may go on *ad infinitum*, and that any single Member of the House, if an Opposed Bill comes on after half-past 12 o'clock, can, by merely objecting, adjourn that Order as often as it comes on. It certainly seems to me that the continuation of these Standing Orders, Rules, and Practice of the House, as at present applied and interpreted, inflict practical incapacity upon the great body of the House—upon the great body of the non-official Members; because, if any one of them is in charge of an Opposed Bill at this period of the Session—crowded as the Notice Paper is—it becomes practically impossible for him to secure an opportunity of submitting it to the House. Thus, the reason for the course I propose to adopt—namely, to dispute the right of precedence hitherto given Government Orders of the Day at our Morning Sittings, is because the ruling according to which you, Sir, have decided —and, I know, decided correctly—was a ruling given under a totally different state of the Orders of the House, and at a time when the Morning Sittings began two hours sooner than now, and when the Evening Sitting extended from 6 o'clock until the rising of the House. I am anxious that this curtailment of the hours at the disposal of private Members should be brought clearly to the apprehension of the House; because if you, Sir, inform me that there will be nothing irregular in my moving the second reading of one Bill—in substitution for the second reading of another Bill or in substitution of the third reading of another Bill—at the 2 o'clock Sittings of the House, it is my intention to renew my Notice, and, if ever the Government should put down an Order for the second or third reading of a Bill at one of these 2 o'clock Sittings, I will, upon that Order, raise the issue as to whether the great body of the non-official Members of the House are to continue to labour under that practical incapacity, that disqualification which is inflicted on them by the present Standing Orders, Resolutions, and Practice of the House. I wish to ask you, Sir, Whether I shall be out of Order, if, at a Morning Sitting, I propose the second reading of a Bill which I may have in charge, in substitution of an Order indicating that the Government intend to take the second or third reading of another Bill first at that Sitting?

Mr. SPEAKER: The hon. Member proposed to move the adjournment of the House to put himself in Order in asking the Question which he has put to me, but he has not moved the adjournment of the House. I am, however, willing to answer the Question which he has put to me. I am bound to tell the hon. Member that the Amendment he has placed on the Paper is one that I cannot submit to this House. When the Orders of the Day are called on, any hon. Member in charge of a Bill which is the subject of the Orders of the Day may make such Motion as he thinks proper with regard to that Bill, and, having made that Motion, no Amendment can be moved, except an Amendment relevant to the subject-matter of the Bill before the House. If an hon. Member thinks proper to move an Amendment relevant to the Bill before the House he will be in Order in doing so. With reference to the conduct of Business in this House, in giving precedence at Morning Sittings to Government Orders of the Day, I have to inform the hon. Member—as I informed him some time ago—that the practice is one which has been uniformly followed since the adoption of Morning Sittings, and that this practice cannot be departed from without the express authority of this House.

Mr. NEWDEGATE: Am I to understand, Sir, that no change in the present arrangements of the House can be made except by Resolution of the House?

Mr. SPEAKER: The Business of the House is carried on in accordance with its Practice and Resolutions, and no change can be made in the conduct of its Business without the authority of the House, signified by a direct Resolution on the subject.

MINES (COAL) REGULATION (*re-committed*) BILL.—[Bill 150.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE. [*Progress 4th July.*]

Bill *considered* in Committee.

(In the Committee.)

On the Motion of Mr. Bruce, the following new clause was *agreed to*, and *ordered* to stand part of the Bill:—

(Prosecution of offences.)

"No offence against this Act shall be prosecuted except by an inspector under this Act, or by the permission of the Secretary of State; and in the event of any contravention or failure to comply with any of the provisions of this Act, or any general or special rules in force thereunder, in respect of which contravention or failure the owner, agent, and manager are each guilty of an offence against this Act, unless he satisfy the court that he had taken all reasonable means for the publication and enforcement of such provisions or rules, the inspector shall not institute proceedings against any owner, agent, or manager who satisfies the inspector that he had taken all reasonable means as aforesaid."

Mr. BROWN moved, after Clause 5, the insertion of a new clause, providing that no boy under the age of 13 should be employed in any mine to which the Act applied below ground, unless he had obtained a surgical certificate from a person qualified to give such certificates for the purposes of the Factory Acts. He thought labour of this kind was degrading to boys below the age of 12 or 13 years.

Mr. FOTHERGILL said, he must enter his indignant protest against the notion that manual labour was degrading to a boy. It was far more degrading to live upon the labour of others.

Mr. BROWN explained that he had not alluded to manual labour in general, but to a particular kind of labour to which boys of tender age ought not to be subjected.

Mr. FOTHERGILL said, it was difficult to draw a hard-and-fast line as to age; but he thought at 12 years of age, a boy might have laid a good foundation of education without getting into habits which would unfit him from gaining a livelihood by manual labour. He should certainly give his vote against the proposed clause.

Mr. BRUCE said, the object of the clause was that a surgical certificate should be given in the case of boys under 13 years of age; but it was impossible in a clause of the kind to create the necessary machinery to give effect to the proposition of the hon. Member. For that purpose a great many other clauses would be required to be added to the Bill.

Motion, by leave, *withdrawn.*

MR. F. S. POWELL moved, after Clause 10, to insert the following new clause:—

(Penalty to enforce attendance of children at school.)

"The parent, guardian, or person having the custody of or control over any child employed in or above ground in connection with any mine to which this Act relates shall cause such child to attend school, in accordance with the regulations of this Act."

"Every such parent, guardian, or person who wilfully fails to act in conformity to this section shall be liable to a penalty of not more than twenty shillings for each offence."

(Sec. 7 and 8 Vic. c. 15, s. 38, and 30 and 31 Vic. c. 146. ss. 4 and 15.

MR. BRUCE said, he decidedly approved of the clause. Indeed, he hardly knew the reason why it was omitted from the Bill in the first instance.

Clause *agreed to,* and *ordered* to stand part of the Bill.

MR. LIDDELL moved to leave out Clauses 25 and 26, for the purpose of inserting a series of new clauses, providing that, for the granting of certificates of competency under the Act, Boards of Examiners should be constituted in the various districts under the superintendence of the Secretary of State, consisting of nine members, one appointed by the Secretary of State, three to be practical engineers, and three to be mine owners, elected by mine owners of the district, and two working miners, elected by the working miners of the district. The great object of the clause was to provide a proper machinery for the examination of managers of mines. The manager of a mine should be a person of great physical energy and powers of endurance and considerable tact, with a patient and conciliatory manner towards the men. He must also possess great knowledge of the district. His first and essential duty would be to provide for the safety of the pit; but he would have much more than that to do. He would have to make all the bargains with the men and settle the rates of payment to be made for work done. The position, therefore, required a combination of qualities which it would be difficult to obtain by any examination. He was not wedded to the wording or the machinery of the clauses, except as affording a basis on which they might discuss this important question.

MR. PEASE said, he had supported his hon. Friend the Member for South Northumberland in moving the omission of the 25th clause on a former occasion. The Committee then came to the conclusion that the selection of the Board of Examiners ought not to be wholly left in the hands of the Secretary of State. The great point was to have the Board thoroughly representative in its character. No doubt the owners should be represented; mining engineers should also be on the Board as well as those employed in mines. The difficulty would be to obtain a proper representation of the miners. He proposed to reduce the number of representatives at the Board to seven, of whom one should be named by the Secretary of State, two by owners of mines, two by mining engineers to be named by the local institutes of mining engineers, with two persons employed in any mine in the district nominated by the mining engineers, to represent the working mines. The Board would thus fairly represent the various interests, including the local, and within a certain period of three or five years he should say every one with a seat at the Board should have a certificate himself.

MR. STAVELEY HILL believed, although there were three plans proposed, the only wish was to select the best Board of Examiners in order that certificated managers might be persons of thorough knowledge of the work and capable of carrying it into effect. As he thought that four would be a far better number of examiners than either seven or nine, he would suggest, as an Amendment of the Notice he had placed upon the Paper, that—

"For the purpose of granting certificates of competency under this Act Boards of Examiners shall be constituted under the superintendence of a Secretary of State in the various districts to which inspectors shall be appointed, and every such Board of Examiners shall consist of four members, one thereof a person appointed by a Secretary of State, one practical mining engineer, and one mine owner, appointed by a Secretary of State upon the nomination of the mine owners of the district as after mentioned, and one miner of the district appointed by a Secretary of State upon the nomination of the miners of the district as after mentioned."

Mr. RODEN said, he could not think that four would be a sufficient number. A great many persons would have to be examined, and therefore it would be necessary to have a reasonably large number of examiners. The hon. Member for South Northumberland's plan, which was approved by the representatives both of the mine owners and the men, was, in his opinion, that which was most worthy of adoption, and he did not think there would be any difficulty whatever in the mode of election.

Mr. GATHORNE HARDY said, this was one of the most difficult questions involved in the Bill. He could not conceive a Board of Examiners less calculated to do the work well than a Board of nine brought together in the heterogeneous manner which the hon. Gentleman approved, and would suggest that a Board representing masters and men should nominate Examiners for the approval of the Secretary of State. If the whole number was not to be brought together when an examination was to be conducted, the very object of the clause would be defeated, for that object he understood to be that there should be a representation of all the interests concerned—scientific, proprietary, and mining. None of the propositions which he had seen would carry out effectively the object which the Bill had in view. There was no clause providing that the managers of the underground works should have a certificate of competency, and he considered that a great omission. Perhaps it would be as well if the right hon. Gentleman would consider the suggestions which had been thrown out, and prepare a clause embodying them.

Mr. BRUCE said, he adhered to the opinion which he expressed at an earlier period of the Sitting—namely, that the mining Institutes, which were perfectly independent bodies, should have the nomination of the Boards of Examiners; for if the election was to be made by the miners, the matter would become very complicated, there being then over 350,000 persons who would be entitled to vote. In that case, he certainly thought the machinery of election would be too cumbrous. He thought they might safely leave to the Institute of Mining Engineers—branches of which existed in almost every mining district—the selection of the examiners, the Secretary of State, who would have to confirm the selection, being aided by the Inspectors of the district as to local details. He should suggest that the Local Mining Institute should select three persons to conduct the examination. In conclusion, he thought that in compliance with all the Petitions from the miners on the subject, every manager should hold a certificate.

Mr. HENDERSON said, no difficulty was experienced in the North of England in the election of delegates by masters and men to treat upon trade disputes, and there would be no difficulty in each colliery sending a representative for the election of the examiners.

Lord ELCHO said, that he had spoken to persons representing the miners respecting the proposition of the Home Secretary, having reference to the appointment of Boards of Examiners, and they had assured him that there was no objection on the part of miners to that proposition. What they wanted was a perfectly independent body, from which the examiners should be selected, and he had every reason to believe that mining engineers were perfectly independent.

Mr. HUSSEY VIVIAN said, he could not agree with the suggestion of the Home Secretary, and much preferred that of the right hon. Gentleman (Mr. G. Hardy). Neither could he agree with the noble Lord opposite (Lord Elcho) respecting the independence of mining engineers. In his opinion the majority of them were not independent, because they were, in a great measure, dependent on the coal owners by whom they were employed. He did not wish to say anything against mining engineer institutions; but they were composed of any gentlemen who wished to belong to them, and, as a matter of fact, numbers of practical engineers were not members of such associations. In many instances they were nothing more than debating societies, and the members could go away when they thought fit, but mine owners and miners could not. It was the owners and workmen who were really interested in the election of examiners, and, as far as he was concerned, he was not prepared to delegate the duty to other persons. He thought, also, that the nature of the examination should be defined, because otherwise there was great danger that it might be too theoretical and would not secure practical men who could carry on a mine safely.

DR. LYON PLAYFAIR said, he was of opinion that the elective principle in the case of a body of examiners was so far of importance that it would tend to preserve the local peculiarities of the several mining districts, and the mining institutes would, he thought, form a very good body for the selection of local examiners. But although it was necessary to preserve local peculiarities, it was not expedient to run too much in the groove of those peculiarities. In the various mining districts into which the country was divided there was the greatest difference in the number of accidents of the same character which occurred in some as compared with others, and it was therefore, he maintained, the duty of the Secretary of State to see that general knowledge was brought to bear on the peculiarities of a particular district, either through the agency of a general examiner representing the public or an Inspector appointed by the Government. He agreed with those who contended that the examinations should be practical in their character; but to exclude from them scientific knowledge would be to ignore the whole progress of science in its application to industry. The lamp of Sir Humphrey Davy was, for instance, the result of pure abstract investigation.

MR. ELLIOT thought that many of the proposals which had been suggested would secure a good examination, but signified a preference for that of the right hon. Gentleman the Member for the University of Oxford. While not wishing to speak disparagingly of scientific education, he argued in favour of the great advantages of practical knowledge on the daily conduct of mining operations.

MR. FOTHERGILL expressed his intention of supporting the proposal of the hon. Member for South Northumberland. He could not for a moment agree with the Home Secretary's proposition. He admitted that it was a most difficult question, and expressed his belief that by far the best method of appointing managers was that which was adopted at present; but, at the same time, as there was to be a change, the working classes would not be satisfied unless they had a strong voice in the election of certificated managers. Scientific men might be all very well, and they might be very able men; but they certainly did not make good servants. He would, however, suggest that the number of working miners on each Board should be three instead of two.

MR. WOODS thought the proposal of the Government satisfactory, and preferred that the appointment should be vested in the Government rather than an irresponsible body. He would suggest that the Board might be constituted of one-third owners, one-third engineers, and one-third working miners.

MR. PEASE expressed his willingness to withdraw his Amendments, and thought his hon. Friend the Member for South Northumberland would see that it was impossible to carry out his Amendment without any machinery. Mining institutes were not merely scientific, but consisted of practical men; and he concurred in the proposition of the Secretary of State, supposing it to be modified in the way suggested by the right hon. Gentleman the Member for the University of Oxford.

MR. WHALLEY was of opinion that the best way of preventing accidents in mines was to leave the matter as much as possible in the hands of the mine owners, making them responsible.

MR. STAVELEY HILL said, he would withdraw the Amendment he had placed on the Paper.

MR. LIDDELL said, the practical discussion which had arisen fully justified his having submitted his proposal to the Committee. He was ready either to divide on his proposition or to withdraw it, according as it might be the pleasure of the House; but if he withdrew it he trusted some provision would be proposed by the Home Secretary based on the suggestion of the right hon. Member for Oxford University.

MR. RICHARD did not think the nomination of the Board by an irresponsible body would be satisfactory. But if nomination by institutes were accepted he hoped it would be from the council, not from the individual members of those bodies. However the Board of Examiners might be appointed, there should not be less than three examiners; and a working miner should be a member of the Board, or otherwise the men would not be satisfied.

Lord ELCHO hoped his hon. Friend (Mr. Liddell) would not divide the Committee, but follow the example of his hon. Friend the Member for South Durham and withdraw the clauses.

Mr. BRUCE also hoped the clauses would be withdrawn. The Secretary of State would be responsible for the working of the Act, and it would be his duty to put the proposal in a workable form before the Report.

Mr. HUSSEY VIVIAN hoped that the right hon. Gentleman in any clause he might frame would have special reference to the concluding portion of the clause proposed by the hon. Member for South Northumberland. It was most desirable that the nature of the examination should be clearly defined.

Motion, by leave, *withdrawn.*

Schedules *agreed to.*

Preamble.

Mr. BRUCE said, he wished to take that opportunity of doing an act of justice to a number of gentlemen who had acted as delegates from colliers in the North during the discussion of the measure. In consequence of representations which had been made to him (Mr. Bruce), he had complained—and felt himself justified in complaining—of the course they had taken in regard to the Bill, considering that from all the districts of the country the colliers had sent up Petitions to that House, and Memorials to his right hon. Friend at the head of the Government, and himself, praying, in the strongest terms, that the Bill in its entirety should pass. He confessed himself deeply disappointed when he found that, with respect to some of the most important clauses of the Bill of which the colliers had expressed their approval, their representatives in London were quoted as opposed to the proposals of the Government, and he drew particular attention to the fact that their consent had been obtained to the insertion of words which, in his opinion, went far to destroy the legislation proposed for the protection of children, and also for the protection of the colliers themselves from accident. He asserted on that occasion that he had been informed that they would withhold their support from the Government with respect to the general rules, on condition that they obtained payment by weight instead of measure. Now, he had been assured by those representatives—and he certainly was inclined to place entire confidence in the statement—that any opinion they expressed was conditional on the course they sanctioned being adopted by the Government, and that their wish was, as far as possible, to adhere to the proposals of the Government. They also stated that with respect to the supposed arrangement by which one clause was put against another, they only made that mode of arrangement when they conscientiously believed that Government was about to abandon their proposal to lay the burden of proof on the employers.

Lord ELCHO said, that the difficulties attending this measure would have been very much greater if an understanding had not been come to, and if they had not acted upon the principle of "give and take." He should be sorry to hear anything from his right hon. Friend discouraging to the system of arbitration, which so many people wished to see established, and he hoped the system would be carried further. With respect to the miners, everyone who had been brought into communication with them would bear testimony to their conciliatory but firm demeanour.

Mr. HUSSEY VIVIAN said, he wished to know when the right hon. Gentleman proposed to take the Report, as several matters were to be discussed on that stage?

Mr. BRUCE said, he proposed to take the Report on Tuesday, and, if necessary, the Bill could be re-committed. It would be impossible to put the Amendments on the Paper earlier than Monday night.

Preamble *agreed to.*

Bill *reported;* as amended, to be considered upon *Tuesday* next, at Two of the clock.

METALLIFEROUS MINES REGULATION (*re-committed*) BILL—[Bill 151.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 4, inclusive, *agreed to.*

Clause 5 (Employment of male young persons in mines).

On the Motion of Mr. PEASE, clause *amended*, by inserting at the end of Sub-section 1—

"Provided always, That in the case of boys and young male persons whose employment is at such distance from their ordinary place of residence that they do not return there during the intervals of labour, and who do not work more than 40 hours in any week, an interval of not less than eight hours shall be allowed between each period of employment."

Clause, as amended, *agreed to.*

Clause 6, *agreed to*, with Amendments.

Clause 7 *agreed to.*

Clause 8 (Penalty for employment of persons contrary to Act).

MR. BRUCE, in moving the following Amendments:—

"In page 3, leave out from 'the' in line 3, to 'mine' in line 6, both inclusive, and insert 'any person contravenes or fails to comply with.'

"In page 5, line 10, after 'Act,' insert 'and in the event of any contravention or failure to comply with any such provision, the owner and agent shall each be guilty of an offence against this Act, unless he satisfy the Court that he had taken all reasonable means for the enforcement of such provision,'"

said, he proposed in this case also to follow the principle of the Factory Acts, and to make the owner primarily responsible, unless he showed that he had taken all reasonable precautions.

Amendments *agreed to; words inserted.*

Clause, as amended, *agreed to.*

Clause 9 (Payment of wages at public-houses, &c.).

MR. BRUCE said, it was the intention of the Government to put this clause on the same footing as the clause in the Mines (Coal) Regulation Bill.

MR. MAGNIAC said, he inferred from that explanation that the right hon. Gentleman wished him (Mr. Magniac) not to propose the Amendment which he had placed on the Paper; but he saw no reason why the serious evil to which it referred should not be at once remedied in the Bill. He was, therefore, quite resolved to propose the Amendment which stood in his name, and which was in page 3, line 29, after "therewith," to insert—

"No deduction from wages, or money in the nature of wages, payable to any such person shall be made for the purpose of providing him with medical attendance unless a special rule shall be in force in manner provided by this Act, whereby there shall be secured to him the selection of a medical practitioner out of such a number as it may be deemed expedient to nominate, having regard to the number of persons employed in the mine, and to the locality in which it may be situated.

"No deduction shall be made as aforesaid as a contribution to any benefit, sick, or accident fund or club unless under a like special rule providing for the publication, in a convenient manner, of the receipts arising from such deductions, and the payments thereout."

Many thousands of the miners for the last three years had watched this Bill with a view to getting a remedy for a most crying grievance. He had received scores of letters on the subject, which had been discussed in the newspapers of the country, and the unanimous opinion of the Press was that a most fearful abuse had been exposed. In 1869, when he first took up the subject, a reduction of 1*s.* a month was made from the miner's wages, and this money was paid to the mines' doctor for attending the miner and his family in sickness. That was an equitable arrangement in itself, and would be highly beneficial if properly carried out. But it had occurred to many managers of mines who had young relations dependent upon them, that the position of doctor to a mine was a very comfortable berth, which might be made the means of taking those young gentlemen off their hands. Accordingly, under the system of which he complained, whereby the selection of the doctor was made independent altogether of the wishes of the miners, it was quite possible that a young gentleman of 15 or 16, without any regard whatever to the bent of his mind, might be sent to walk the London hospitals, and return after a few years a youth of 20, or whatever was the minimum of age, to attend the miners and their wives and their children in cases of accidents, in cases of sickness, and even in child-birth. Doctors were allowed to live four, five, or six miles from the mine, and he was acquainted with an instance in which the doctor lived at a distance of 17 miles. That was a state of affairs which should not be tolerated. But that was not all. It had been publicly asserted at county meetings, and uncontradicted, that these mine surgeoncies had been put up to sale in the profession. For instance, A sold his charge for £200 a-year to B, who sold it again for £100 to C. In fact, a case was said to have occurred in which that had been bought for £80 or £90 a-year which in the first instance had been sold for £300. Did the right hon. Gentleman suppose that no bitter feeling would be excited in the men from such a state of things? He had heard the very strongest language used about managers, doctors, and everyone concerned on account of it. Who was responsible for this injustice it was not for him to say; but the remedy proposed was easy and effectual. Already, in consequence of the publicity arising from his Amendments, he knew of several mines in Cornwall in which the managers having had their attention called to these things for the first time, had made arrangements for placing some such power as he proposed in the hands of the miners. An hon. Member of that House, whose interest in mines was second to none, had lately made arrangements for giving the men the choice of their own doctors. He could instance a mine in which there were three doctors to attend to 600 men—of whom Dr. A attended 400, Dr. B 190, and Dr. C 10. Such a fact as that showed a desire on the part of the men to choose their own doctors; and it was a scandal that there should be any system by which the manager should be empowered to job away the lives of the men under him. He maintained that any man, or body of men such as these, ought to be able to choose any doctor they pleased within the limits of the district. It was objected that a man might choose an incompetent doctor; but why should they? He doubted very much if men would do so in any case, and certainly not as a general rule. It had been also said, that the withdrawal of the wages clause was a reason why the Amendment should not be considered. He could not conceive why that should be a reason at all. This Amendment did not legalize a deduction from wages. It had also been argued that this was minute legislation; but he should be glad to know whether it was more minute than many of the regulations with which the Bill was crammed? It might be urged that a Wages Bill was to be brought in next Session, and that the question might stand over till then; but he would like to know what dependence could be placed on a Wages Bill coming in next Session? Besides, the right hon. Gentleman the Home Secretary had stated that the Wages Bill was inapplicable to Cornwall. He, therefore, appealed to the House to support him in his Amendment. He had exposed a great abuse, and had shown that the right hon. Gentleman, by adopting the Amendment, would confer on the miners an immense boon.

Mr. ST. AUBYN said, he was sorry to say that it was from circumstances that had happened within his own personal knowledge that he could confirm a great deal of what had just been stated to the House by the hon. Member for St. Ives. He, therefore, desired to support his hon. Friend in giving to the men the power of selecting their own doctors; but regarded the latter part of the Amendment as unnecessary, and suggested the omission of the words following "the selection of a medical practitioner." If the Amendment were so limited, he should support it.

Colonel HOGG said, he could confirm every word that had been uttered by the hon. Member opposite (Mr. Magniac). The greatest possible abuses existed with regard to medical attendance, some of the doctors residing at long distances from the mines, so that, if an accident occurred, there was much suffering, or even a fatal result ensued, before the surgeon could be brought to the spot. Surely, if there was to be a deduction from his wages for medical attendance, a miner should be able to choose the surgeon who was to attend to himself and his children.

Mr. WENTWORTH BEAUMONT said, he was opposed to this kind of legislation, but if it be deemed necessary he went a great deal further than his hon. Friend the Member for St. Ives (Mr. Magniac), for he objected to any deductions being made from the wages of the men for these purposes. He, however, did not think the question should be raised on the present occasion; and if the Amendment were persevered with, he should feel it his duty to propose to omit from it all the words after the word "attendance;" and it would then read—

> "No deduction of wages or money in the nature of wages, payable to any such person, shall be made for the purpose of providing him with medical attendance."

Mr. BRUCE said, that he entirely concurred with the hon. Gentleman who had just sat down in his objection to raising the question then, because deduction for medical attendance was part of a large question which ought to be treated with reference to broad principles of general application. Some of the mining population had great objections to this, in common with other deductions, and the question was whether, in common with others, it should be forbidden by law. The hon. Member for St. Ives had made a speech full of painful statements, and those statements had been confirmed by other hon. Members who had followed him; but he was mistaken in assuming that there was any legislation which gave masters power to make deductions from wages to pay a doctor appointed to attend the men. There was no such power; the men had always the power to resist such deductions, and it could be only with their consent that such deductions could be made. Although it might be right for Parliament to pass a law prohibiting deductions, even where the men were willing to consent to them, there did not now exist any legal authority on the part of the masters to control the men; the matter was purely one of arrangement between them, and discussion had led, in many cases, to the abuses complained of being remedied. Then, again, it was impossible to consider this deduction by itself; there were many others to be dealt with, and the House would be breaking faith with the colliers if, having postponed dealing with their grievances in this respect to next Session, it were to legislate upon the similar grievances of another class of miners. There was a clause in the Master and Servant (Wages) Bill which dealt with this question of deductions. It was just as applicable to Cornwall as to any other part of the country; and as the Government had undertaken to deal with the whole question of wages next year, he hoped the Committee would not now legislate in a piecemeal manner.

MR. PEASE said, he also objected to dealing with the question now, which would be breaking faith with the colliers, who asked for legislation upon it. The case had another side different from that which had been presented to the Committee. There was great difficulty in electing a medical man by the vote of the men. In one case in which it was tried, the men elected the doctor who on the previous pay day had given them the greatest amount of beer, and who, two months afterwards, bolted in debt to all the neighbouring tradesmen. That those who paid the piper should choose the tune was a generally accepted principle; and the mine owners paid the medical men, the miners subscribing only part of the payment. Besides, the owners paid every man who was off work on a certificate from the doctor, and, in some cases, found hospitals for the men; and would it be fair for a doctor appointed by the men to have charge of these hospitals, and to give such certificates? If the proposed Amendment were carried, it would shut up some of the most useful institutions the mining districts could boast of.

MR. LEEMAN said, he strongly objected to the Committee being asked to legislate on this particular point as regarded metalliferous mines, without it legislated at the same time in a similar direction for coal mines. Moreover, how would the Amendment work in a district of 10 miles where there was only one doctor? The practices on the part of medical men which had been referred to by the hon. Member for St. Ives did not exist, he was happy to say, in the North of England.

MR. R. N. FOWLER thought hon. Members interested in these mines, like his hon. Friend the Member for St. Ives, who represented an important mining constituency, were quite justified in pressing the Amendment, notwithstanding that those specially interested in coal mines had left the House, and the Bill relating to coal mines had gone through Committee; and he objected to postponing legislation until next year, because the Government undertook to bring in a Bill on wages, which the contingencies of a year might easily push out of the way.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. BRUCE, Clause amended by striking out in page 3, lines 38 to 41, both inclusive, and inserting—

"Every person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence against this Act, and in the event of any contravention or failure to comply with the provisions of this section, the owner and agent shall each be guilty of an offence against this Act, unless he satisfy the court that he had taken all reasonable means for the enforcement of such provisions."

Clause, as amended, *agreed to.*

Clauses 10 to 22, inclusive, *agreed to.*

Clause 23 (General rules).

Amendment proposed, in subsection 4, line 6, to leave out the word "load" and insert the words "produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and,"—(*Mr. Pease.*)

Question proposed, "That the word 'load' stand part of the Clause."

And it being now ten minutes to Seven o'clock.

House *resumed.*

Committee report Progress; to sit again *this day.*

The House supended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

EGYPT—JUDICIAL REFORMS.

QUESTION. MOTION FOR PAPERS.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to our commercial relations with Egypt; and to ask the First Lord of the Treasury, Whether Her Majesty's Government will use their best endeavours to induce the Porte to complete the contemplated judicial reforms which are so essential for the further extension and security of our mercantile interests in Egypt; and to move for Papers, said, that the recent great development of the commerce of Egypt, and especially of British commerce, rendered our relations with that country, and above all the laws which regulated our commercial relations, a subject of the greatest importance; and he thought would furnish sufficient reasons for justifying him in placing it under the notice of the House. Even long previous to the opening of the railway between Alexandria and Suez, and the completion of the Suez Canal, public attention was directed to the system of judicial procedure in Egypt. That system had its origin in the original Capitulations with Turkey, made at a time when there was a great mistrust of the policy of Turkey; when the trade with the East was of no great importance, and the foreigners residing in the country required every protection against the action of the Government. The Capitulations dated as far back as 1535. They were first granted to the French, and for many years no foreigner could reside in Turkey except under the protection of the French flag. But the commercial enterprize of England soon altered that state of things; the famous Levant Company sprang into existence, under a charter of Queen Elizabeth, in 1581, at a time when we were so little known that the Turks thought England was the capital of London. That Levant Company was granted additional power by James I., in 1605, and it monopolized all the trade of the East. That Company appointed Consuls, claimed extended jurisdiction in civil cases, and even a certain jurisdiction in criminal cases. When commerce, however, became too widely extended for the continued monopoly of the Levant Company, their Consuls were replaced by Government officers, and it was to the power which these gentlemen claimed to exercise, and the inconveniences which arose from those claims, that he wished that evening to call the attention of the House. The original Capitulations, he must repeat, were based upon a mistrust of the Turkish Government, which, three centuries since, and even much later, was not surprising, and cause for which even now existed in distant Provinces of the Turkish Empire; but the original Capitulations, which were moderate, had grown into demands and into practices which, especially in Egypt, rendered all government impossible, for, little by little, Western energy had overpowered Eastern apathy and fatalism, and the nations which wore the hat had forced themselves upon, and were trampling under foot, the nations that wore the turban. The encroachments on the central and local Governments had been incessant; and in Egypt, under her present enlightened and generous ruler, possessing in Nubar Pasha and other Ministers statesmen of eminent ability—and even while our interests were presided over and protected by Colonel Staunton, our Consul General, a gentleman second to none in ability, energy, and rectitude of judgment, and who had won the esteem and goodwill of all classes in that country—even under these favourable circumstances, British interests were suffering under a system which, to use Lord Stanley's words, was as injurious to British interests as it was derogatory to the character and well-being of the Egyptian Administration. The subject would not be a very tiresome one when once he had got over his preliminary statement, because he should have some very curious facts to communicate to the House. The way in which the encroachments on the part of the Consuls occurred was this—Having demanded the right of being present during the trial of cases in which subjects of the countries they represented were interested, they claimed the right of carrying the sentences into execution, and soon after they demanded the further right of sitting upon the Bench when such cases were being tried. But it was not until 1848 that the Consuls for the first time arrogated to themselves the exclusive power of trying such cases; a most important and mischievous error, and the result of which was to render all effective government impossible in Egypt, the authorities in which did not receive fair play, seeing that one-half of the population of Alexandria consisted of foreigners. For instance, if a Maltese behaved ill he must be taken to the English Consular Court; if a Spaniard, to the Spanish Consul; and if an Italian, to the Italian Consul. Thus the Government of Egypt was powerless for good. Another ill consequence of the system was, that all foreigners escaped taxation by forcing the tax collectors to sue them in the Courts of their respective Consuls also, and the leading men in Egypt seeing that, had actually declined to pay their taxes on the ground that no taxes were paid by foreigners. He would advert to one or two incidents that had come within his knowledge arising out of this system. In one instance, a Belgian sold some property to a Frenchman, and the latter declined to pay, alleging that one part of the property had been withheld. The matter was tried by the French Consul, who gave a verdict for the Frenchman, with costs against the Belgian, and with power to bring an action against him. The action was taken and tried in the Belgian Consulate, when the Belgian obtained a verdict with costs against the Frenchman; and the matter was still unsettled between the two Consulates. In another instance, an Egyptian let a house to a Neapolitan, who underlet a floor of the house to a Maltese, an Italian, and a Spaniard. On the Egyptian calling in due time for the rent he found that the Neapolitan had gone to Naples, and as the other tenants would not pay rent to him, he brought actions against them in their respective Consulate Courts. In each case the tenants obtained a verdict, and the unhappy man who had originally let the house could obtain no rent; but the rent was paid to an agent of the Neapolitan who sent it over to Naples. After waiting three years, the Egyptian had actually to buy out these men in order to get back his own house. A curious incident happened to himself in regard to this state of things. He went with a friend to the Bazaar at Cairo to buy two curtains. Having purchased one from a dealer, he gave the man £5 to purchase a second curtain for him, but the man returned, saying that it was impossible to get another. He then asked for the £5, but the man said—"No, we make it a rule in our establishment never to give back money when once we have received it." The police were sent for, but as the dealer, who had been in Algeria, had French protection, they could not touch him. It was suggested that he (Mr. B. Cochrane) should communicate with the French Consul General, but the Consul General was not then at Cairo, and three weeks would have elapsed before any decision could have been obtained. His steamer left on the following day, and he was therefore obliged to take a bundle of anything the man chose to let him have in exchange for the money. These things occurred every day; and he put it to the House—when English interests in Egypt were so immensely developed—whether it was not absolutely essential for us to see that those judicial reforms which had been so long before the public were really carried out? He now came to the reforms themselves. Both the late and the present Government of this country had always recognized the existing evils, and been anxious to remove them. Nubar Pasha, the Egyptian Minister for Foreign Affairs, had published an important Paper on that subject, in which he said that the Egyptian Government felt that progress could only come from Europe; that it desired the introduction of that Conservative element, and wished to entrust to it all its great works and to encourage capital to be brought into the country; that the Government was rendered powerless and had to abandon the country to itself; and that the system on which justice was administered tended to demoralize the country, while the Government was accused of weakness and error, as evidenced by the fact, that in Egypt Europeans had for 40 years enjoyed the rights of property and paid no taxes. All that was opposed to the letter and spirit of the Capitulations, and prevented the development of the resources of Egypt. In a despatch Lord Stanley entered fully into the subject, and stated that Her Majesty's Government were perfectly willing to lend their aid to the Egyptian Government in an attempt to establish a better system, and that if the Egyptian Government obtained the concurrence of other Powers, the cordial co-operation of Great Britain would not be withheld from so salutary a work. Lord Stanley added that—

> "Her Majesty's Government are certainly not inclined to hold out for a jurisdiction to which they have no treaty right, which they admit to be an usurpation, though brought about by force of circumstances, and which is as injurious to the British interests as it is derogatory to the character and well-being of the Egyptian Administration."

Those views had also been fully and ably carried out by Lord Granville, and an International Commission had been appointed, representing the different Powers, on the subject of these reforms. The Report of the Commission said that it could not be denied that the establishment of a single jurisdiction, presenting real guarantees, and applying one uniform and known law, was precisely the direct and necessary remedy for the inconveniences resulting from the multiplicity of jurisdiction and system of laws. The Commission, therefore, did not hesitate to declare its opinion that disputes between foreigners and natives, as well as those between foreigners of different nationalities, should be submitted to a single tribunal, as proposed by the Egyptian Government. With regard to the execution of sentences, the International Commission was—

> "Unanimously of opinion that it should take place without the possibility of any administrative, Consular, or local power placing any obstacle in its way, either directly or indirectly, and that such execution should be assigned to the new tribunals themselves. The Commission has only desired that the officer of justice charged with the execution should be obliged to give notice to the Consuls of the day and hour of the execution under the penalty of rendering the judgment void, and incurring damages."

In a despatch of the 22nd of July, 1870, Lord Granville, writing to Lord Lyons, said—

> "The two Governments (those of England and France) agreeing in the proposed reforms, it seems to Her Majesty's Government that the facts of this accord should be made known to the other Powers who were represented in the Commission that sat at Cairo, as well as to the Porte and the Pasha of Egypt. It remains for the Viceroy to obtain the consent of the Sultan to these proposed reforms, and it is for the Sultan to inform all the Powers that these reforms are sanctioned by law."

He was anxious that every means at our disposal should be used to get these reforms at once recognized. At the Conference of the Great Powers on the occasion of the Treaty of Paris, 1856, on the 25th of March, Aali Pasha submitted to the Conference that all the commercial difficulties between Turkey and the other Powers arose from the Capitulations, which had outlived their time. He asserted that the privileges thus acquired by Europeans were injurious even to themselves, and to all commercial transactions; that the jurisdiction claimed by foreign Powers led to a multiplicity of Governments, and consequently created an insuperable barrier to all improvement. M. de Bourqueney and the other Plenipotentiaries agreed that these Capitulations placed Turkey in a very false position, but it could not be denied now that Egypt was placed in a very false position, and Prince Tour d'Auvergne had expressed the opinion that, in consequence of particular circumstances, the position. of foreigners in Egypt was not the same as in other Provinces of the Turkish Empire. The question was not a general one, but peculiar to Egypt. Lord Granville and Lord Stanley joined in this opinion, and Lord Clarendon, in a despatch, had alluded to the same point and insisted that Egypt was an exceptional district. The Sultan, however, had announced that he was drawing up a new code of law; but it might be 10 years before this code was arranged, while, in the meantime, a code had been already drawn up in Egypt and approved by all the different Powers, so that there was nothing to prevent the new Court, which was to consist half of foreigners and half of natives, being constituted to-morrow. Its establishment would give confidence to all the Powers concerned, and the objections to the Consular Courts would no longer be a subject of complaint. If any justification were needed of the Motion he proposed making, it was to be found in the commercial returns of the country. Few not conversant with the facts were aware of the present state of the commerce of Egypt. The imports to Great Britain from Egypt amounted to £16,116,000; while from France the value was only £33,000,000; Turkey, £6,528,000; Germany, £17,000,000, only equal to Egypt. The exports from this country to Egypt were £8,726,000; to France, £11,000,000; to Turkey, £5,300,000. These, of course, included goods in transit; but the increase during the past four years was enormous. Everyone who had visited the country spoke of the amazing improvement and increase in its manufactures. The sugar manufactures had increased enormously; factories were studded all over the face of the country, in each of which British subjects were employed, and it might be said, with perfect fairness, that the interest of Egypt was the interest of England. That was the principle upon which he asked the House to consider the case. He had alluded to the Suez Canal the other evening, as an instance of our position with respect to the Consular jurisdiction, and said that out of 107 ships passing through the Canal 69 were English, representing a tonnage of 77,000 out of 104,000. Curiously enough, he found, from a Return for the month of February last, that 100 ships passed through the Canal, of which 79 were English, 6 French, 5 Austrian, 2 Italian, 2 Egyptian, 1 Dutch, 1 Norwegian, 1 Ottoman, 1 Portuguese, 1 Tunisian, and 1 German. Yet the French Government claimed the right of trying in their Consular Courts all actions arising out of differences between the traders and the company. What justice could be expected under such circumstances? If this state of things were continued, English interests could never be protected. The classical mind of the First Lord of the Treasury knew how much we were indebted to Egypt for our civilization. Lord Houghton had written—

> "Eastward roll the orbs of Heaven—westward roll the thoughts of men."

To put the matter, however, in a practical way, he hoped that men's minds would really turn eastwards, and take notice of the important facts to which he called attention. He asked his noble Friend the Under Secretary of State for the Foreign Office, in his reply, to hold out some hope that Government would take advantage of the document which he had submitted to them, and in which all the Powers had agreed upon what was wanted in Egypt. He sincerely trusted that the Government would give way and grant these reforms, which were essential to the interests both of this country and of Egypt itself. The hon. Member concluded by asking the Government to lay on the Table all the Papers connected with the question.

MR. A. GUEST said, he agreed with the hon. Member for the Isle of Wight, that the interests of England were identical with those of Egypt. There was, however, one important point connected with the case to which his hon. Friend had not referred, and which related to the mortgage of land. Whenever an Egyptian sued an Englishman in a case of that description, it was always decided in the Consular Court, and the same rule held good when an Englishman sued an Egyptian. To show the importance of the application of capital to the land in the cultivation of cotton in Egypt he might state that land which when not irrigated produced only one quintal and a-half of cotton would, when irrigated, produce five quintals or more. It was natural enough, therefore, that the Egyptian peasant should wish to have his land watered; but irrigation in that country could not be carried out without capital. The Egyptian was most anxious to enlist foreign capital on his side; but when he was about to do so an order came out from the Egyptian Government that no security could be taken on the land itself—the fact being that, in cases where the mortgage was foreclosed, the property passed beyond the jurisdiction of the Government, who were, therefore, afraid that by such means the country would eventually fall into the hands of the French and English, and that they might establish colonies there. Within the last few years, however, since the American War, Egypt had become one of the great cotton-growing countries. The cotton grown in Egypt was of a very superior character, and it was of the greatest importance that the British capitalist should have his transactions assured to him by the Courts of that country. He could mention the most extraordinary cases in which British capitalists over and over again tried to get the money they had lost, but were utterly unable to do so. The judicial reforms in question had been assented to by all the foreign Governments; and though hereafter there might be some difference about the representation of the different countries on the Bench of the Mixed Courts, yet the Code had been ratified in each country interested, and it was only the Porte that caused any difficulty. Of course, they knew the Porte was jealous of the progress which Egypt had made during the last few years; but that was not a matter which they need take into consideration, because he felt sure that Egypt had no idea of separating from the Porte. The matter intimately concerned the foreign commerce of this country as well as the welfare of Egypt and its continued progress by means of foreign capital. He, therefore, hoped the noble Lord would be able to give them an assurance that the Government were prepared to put some pressure on the Porte to carry out these long-promised reforms. In conclusion, he begged leave to second the Motion of his hon. Friend.

VISCOUNT ENFIELD said, his hon. Friend the Member for the Isle of Wight (Mr. Baillie Cochrane) had made a very interesting speech on the subject, and illustrated it in his usual pleasant and graphic manner by his own personal adventures; in the result of which he (Viscount Enfield) might at least say that the hon. Gentleman had not "spoiled" the Egyptians. He could assure the hon. Gentleman that the despatch which he quoted, and which was addressed by Lord Stanley in 1867 to Colonel Staunton, had not been deviated from in any essential principle by the successive Secretaries of State who followed him. His hon. Friend had stated with perfect accuracy the state of the case. By virtue of the Capitulations granted by the Ottoman Government, most European Governments exercised the right of independent jurisdiction over their respective subjects in Egypt, excepting in cases where one of the parties to the suit was an Egyptian. In 1869 the Viceroy's Government complained that abuses had arisen by which judicial power over foreigners, especially in criminal cases, was wrested from the Egyptian Law Courts and placed in the hands of Consuls, which often prevented natives from obtaining justice from Europeans. Nubar Pasha proposed the scheme of judicial reform which, at the suggestion of Colonel Staunton, was to be referred to an International Commission. The year 1868 was occupied in discussing the necessary preliminaries—namely, when the Commission should sit, whether inquiries should be made into the Capitulations themselves, into usages arising from the Capitulations, and whether the proposed civil tribunals should take cognizance of criminal matters? In 1869 the International Commission met at Cairo. Its composition was as follows:—Nubar Pasha, Minister of Foreign Affairs to the Khedive of Egypt; the Agents and Consuls General of Austria, of Hungary, of the North German Confederation, of the United States, two Commissioners for France, two for England, two for the Italian Government, and two for the Russian Government. The labours and Report of that Commission well deserved the attention of the House. He might be allowed to make a very few extracts from the Parliamentary Paper containing the Report which had been produced two years ago on the Motion of the noble Lord the Member for Liverpool (Viscount Sandon). The Commission had to take cognizance not only of reforms to be carried out in civil and commercial matters, but also for the repression of offences. They had to inquire into the complaints raised by the Egyptian Government, and the greater or lesser foundation for the same; the exposition and appreciation of the reforms demanded; the enumeration of the guarantees offered by the Government; the examination of the efficiency of these guarantees, and of the supplementary guarantees which it would be necessary to demand. He would submit the following extracts to their notice, taken from the Report, and bearing on the subject:—

"Besides the local tribunals, there are in Egypt 16 or 17 Consulates having right of jurisdiction over the subjects of the nations they represent. Consequently, in the actual state of things, the universal rule followed with regard to competence in civil and commercial matters is that the defendant should necessarily be brought before his own tribunal—that is to say, the native before the local tribunal, and the foreigner before the tribunal of his Consulate. It is the absolute application of the rule *actor sequitur forum rei.* The inconveniences pointed out weigh as heavily, and perhaps more heavily, on foreigners than on the natives; they have the effect of preventing foreigners from coming to Egypt, and on this account the Egyptian Government is justified in saying that they are exceedingly prejudicial to the country, by preventing the Government from applying to substantial contractors to whom it would wish to confide its great public works. But the most disastrous consequences to the Egyptian Government of the multiplicity of jurisdictions is, that it cannot possibly enforce the laws concerning patents, industrial property, and trade marks, because each Consulate would, in these matters, apply its own laws, and that the industry and wealth of the country would suffer from such impossibility. The Commission cannot deny that the establishment of a single jurisdiction, presenting real guarantees, and applying one uniform and known law, is precisely the direct and necessary remedy for the inconveniences resulting from the multiplicity of jurisdictions and systems of laws. It does not hesitate to declare its opinion, therefore, that the views of the Egyptian Government on this point should be adopted—that is to say, that disputes between foreigners and natives, as well as those between foreigners of different nationalities, should be submitted to a single tribunal."

With regard to the execution of sentences, the Commission was unanimously of opinion that it should take place without the possibility of any administrative, Consular, or local power placing any obstacle in its way, either directly or indirectly, and that such execution should be assigned to the new tribunals themselves. In reference to the composition of the tribunals the Commission recommended that the tribunals should be composed in such a manner that in matters where foreigners were parties to the cause the majority should be secured to foreign magistrates, and it further recommended the addition to the Tribunals of First Instance, judging in commercial matters, of two merchants, one native, the other foreign, chosen by means of election. It was recommended besides that hearings should be public and the defence entirely free. The Commission admitted that the guarantees offered by the Government had, collectively, a real value, and testified to a sincere desire to secure a good administration of justice; but the Commission was of opinion that they required to be completed, and it was right to state that not one of those demanded by the majority of the Commission had been refused by the Government. The majority assured to the European Judges was considered by the Commission one of the most important guarantees offered by the Government. As to the proceedings in criminal cases, the Commission thought the reforms proposed by the Egyptian Government were equally satisfactory, and after going very carefully into the manner in which the system should be carried out the Commissioners concluded by saying that they found the Government of the Viceroy was, in all respects, disposed to listen to their suggestions. His hon. Friend and the House were no doubt anxious to know why the recommendations he had just referred to produced no practical results. After the termination of the labours of the Commission, it was finally agreed that the French Government should frame a Code for carrying into effect the proposed judicial reforms. This work was completed on the 15th of May, 1870, and the Code having been carefully considered and agreed to by Her Majesty's Government, it only remained to obtain the assent of the Porte. The French War, however, supervening, matters remained dormant until January, 1871. It was then proposed by the Khedive that a Commission should be appointed to inquire into the provisions of the Code; but the English Government said they could not take the initiative, and suggested a reference to Constantinople. In March, 1871, the Khedive said he would form his own tribunals, merely modifying existing laws conformably to the wants of his own country. The English Government said they generally approved that plan, and promised their good will. Sir Henry Elliot accordingly informed the Sultan of the plan, who offered no objection, but said that the position of foreigners must in no instance be thereby affected. The Khedive, through Colonel Staunton, said that would not be the case, adding that he hoped to make the general reforms more acceptable to the Porte and the European Powers. In October, 1871, Sir Henry Elliot reported that the Khedive had written to Aali Pasha; but the death of that distinguished statesman shortly afterwards put a stop to further communications. Colonel Staunton then announced that the Porte did not object to the general principles of judicial reform as laid down by the International Commission, but objected to the Code of the Khedive as trenching upon the Sovereign rights of the Porte.

On the part of the Khedive, Colonel Staunton replied that he would frame laws according to those of the Empire, with modifications to suit the circumstances of his country. The Khedive also stated that these modifications would be within the competence of his own Government, and authorized by Royal firmans. In May, 1872, Server Pasha, in reply to Sir Henry Elliot, said the Porte was preparing a new Code, to be completed within six months, expressed a hope that this would prove applicable to the whole Empire, and meanwhile suggested some delay in considering the scheme of the Khedive. He said also that while disposed to see that these reforms were carried out, he hoped there would be no interference on the part of the British Government. The House, he trusted, would therefore think that from the year 1867 to the present time no foreign Minister had shown himself insensible to the importance of judicial reforms in the East. But in dealing with the Porte, they were dealing with an independent and friendly Power; and though he felt certain that Her Majesty's Government would continue to give such attention to this subject as its importance demanded, and would not lose any opportunity of pressing this matter on the attention of the Porte, their interference must be confined within such limits and be exercised with such discretion as the Porte had a fair right to expect from this country. He did not know that he had any Papers to present to the House on the subject; but he trusted that within the time specified we should see a fair and impartial system of judicial reforms carried out in its integrity.

Mr. EASTWICK said, there was nothing more clear, from the Koran downwards, than the extreme and almost vindictive one-sidedness with which Christians, and all other people of other religions, were viewed by the Mohammedan law. The manner in which Mohammedans viewed the professors of other creeds might be summed up in the famous lines—

> "A Christian's well may not be clean tis true,
> 'Twill do to wash the carcase of a Jew."

This rancour was undoubtedly the real source of the difficulty they were discussing. The suggestion made by the Commissioners of an International tribunal was, no doubt, the only thing by which we could emerge from that difficulty. Had the suggestions of the Commissioners been carried out nothing would have been more effectual in every respect; but, unfortunately, the old root of the bitterness had shown itself again. The Porte now said that they could not accept the Code which had been drawn up by the French, and that they would draw up a code of their own, which was to be ready in six months. He would be very glad if it was, but he feared the anticipation would not be realized; and although he would admit that in most respects the recommendations of the Commission were decidedly satisfactory, yet he must object to the proposal made by the Commission that the procedure before the tribunal was to be carried on in the language of the country, or in French or Italian. He should like to know why English should not be used, where the interests of British or American citizens were involved? The language of 80,000,000 of people should not be put aside in that way. He also objected to the procedure in cases affecting religious property being carried on in an Egyptian Court presided over by Egyptians. In that case foreigners would have no chance whatever. In all other respects he thought the recommendations of the Commission and the institution of the tribunal had been most excellent. He hoped the Foreign Office authorities would give their earnest attention to this matter, and though they might be very much embarrassed by the necessity of keeping up the independence of the Porte and its paramount jurisdiction, still he hoped they would not allow that to interfere with this most necessary re-organization of the law in the East.

Motion, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £29,500, Natural History Museum.

Mr. WHALLEY rose to Order, and asked whether he was to understand that Mr. Speaker had left the Chair? He was at a loss to know how it had happened that the right hon. Gentleman omitted to call his name, as he had a

Notice on the Paper. He had hailed the right hon. Gentleman before he was out of hearing.

THE CHAIRMAN said, that the question now before the Committee was the Vote for the Natural History Museum.

MR. BOWRING said, he should like to know whether there was any probability of the whole of this sum being wanted in the present year. Last year £40,000 were voted, and only £5,000 expended. Two years ago, when £6,000 were voted for the construction of the Natural History Museum, it was taken as the final judgment of the House of Commons that the building should be erected on the ground purchased some years before from the Commissioners for the Exhibition of 1851. The total value of the property then disposed of to Her Majesty's Government for £120,000 was not less than £280,000; but the Commissioners felt themselves justified in what they did, on account of the purposes to which the ground was to be devoted. The Commissioners stipulated that the ground should be appropriated to purposes of Science and Art, and words to that effect were introduced in the deed of sale. For many years Her Majesty's Government did nothing with this valuable piece of ground, beyond practising the art of doing nothing, and the science of growing nettles on it; but he had noticed lately that a hideous structure had been erected upon it in the shape of a district post office. He was not able to discover in what way the erection of a district post office fulfilled the condition that the ground should be solely applied to purposes of Science and Art, and should like some explanation upon the subject.

LORD ELCHO said, he objected to the Vote altogether, and would move that it be negatived. In the early part of last Session he put a Question to the Prime Minister, with the view that the plan should be laid before the public before the work should be proceeded with. The answer of the right hon. Gentleman was to this effect: that £30,000 had been voted, that specifications had been invited, and, therefore, that it was too late to have the design submitted to the judgment of the public. He had reason to believe that the facts were somewhat different, and that the Prime Minister in giving that answer did not know the whole state of the case. He had reason to believe that the designs and plans were only on paper, and he put down a Notice that no further steps should be taken with reference to the building until the designs were submitted to the public, for from what he had heard he was induced to believe that the contract had not yet been taken—at least that it was not taken a fortnight ago. The history of the whole affair was this—The Natural History Museum was to be erected in consequence of the crowded state of the British Museum, and, after much difference of opinion, it was decided that it should be built at South Kensington. Architects were invited to send in plans on certain conditions as to their nature, and a jury of gentlemen to whom the designs should be submitted was appointed, of which Sir William Tite, Mr. Fergusson, and Mr. Roberts were members. The designs were exhibited in Westminster Hall, and it turned out, after a most careful examination, that the design of Captain Fowke was successful. Captain Fowke put himself in communication with the Trustees of the British Museum, in order to settle the internal arrangements in a satisfactory way. But in the meantime Captain Fowke died, and the right hon. Gentleman the Member for Hampshire (Mr. Cowper-Temple), who was First Commissioner of Works at the time, having to choose an architect to carry out Captain Fowke's design, fixed on Mr. Waterhouse, a gentleman of great ability and known for his Gothic tastes. Mr. Waterhouse was instructed to make estimates for Captain Fowke's design, and he calculated that it would cost £430,000. In March, 1867, Mr. Austen, of the Office of Works, wrote to Mr. Waterhouse announcing the intentions of the First Commissioner, and stating that should the House of Commons vote the money, Mr. Waterhouse was to proceed with the erection of the building in accordance with the design of the late Captain Fowke, or as nearly as circumstances would permit. In 1868 his noble Friend (Lord John Manners) was at the Office of Works, and Mr. Austen wrote to Mr. Jones, first Librarian of the British Museum, announcing that Mr. Waterhouse had been requested to communicate with the Trustees for the purpose of preparing plans, and, if necessary, revising, not the internal arrangements of the late Captain Fowke's design, but the elevation of the proposed Natural History Museum. Now, if you entrusted the plan or design of one architect to another to carry out, unless you tied down the latter in the strictest possible way, he was pretty sure to leave the marks of his own genius upon it. What happened in this case? In May, 1868, Mr. Waterhouse stated his objection to Captain Fowke's plan, and described his own. In short, he proposed to build in a style totally different from that of Captain Fowke. He did not in the least blame the present Government for the course which they had taken in this matter. All that the present First Commissioner of Works had done was to give effect to the action of his immediate predecessor in office. His complaint was, that the country was dependent upon the action of the temporary holder of the office of the First Commissioner of Works for the design in which its public buildings were executed. Thus, one First Commissioner might be in favour of one description of architecture, and he might employ an architect to design a public building in accordance with a particular style; but a change of Government occurring, a new First Commissioner who was in favour of a different style of architecture might come into office, and he might direct the architect to design the public building in accordance with his peculiar views. There were many cases in which this hap-hazard system had been pursued to which he might refer. Thus the Foreign Office, which was originally intended to be executed in one style, was finally built in a different one. The Prime Minister himself, in more elegant language than he himself was master of, had shown the absolute necessity for some change in the present system. The National Gallery was originally designed under one First Commissioner, and that design was altered by his successor. Lord Palmerston had stopped the building of the London University in Burlington Gardens in the Gothic style, and it was subsequently built in the Renaissance style. The New Law Courts, the National Gallery, the South Kensington Museum, the Natural History Museum, the War Office, and the Admiralty Office Buildings had all been subjected to the same treatment. The Chancellor of the Exchequer appeared to think it a waste of time to bring such a matter before the House; but time would not be wasted by such a discussion if it produced an economy in public expenditure. Let it be proved that the system he denounced was not hap-hazard and unsatisfactory. What he wished for was such a system as would ensure money being expended on the best building talent could produce. He did not bring this forward as a question of style; about that he did not care; and he thought it a misfortune that discussion on the subject in that House too often became a battle of styles. The public had no knowledge whatever of what was going to be erected; the design was totally different from that which they knew about. True, the plans were put in the Library at the fag-end of last Session; they were seen by very few Members, and not by the public at all. The system was wrong, and until it was remedied our expenditure would be wasteful. In 1860, in reply to the First Commissioner of Works, the Prime Minister said, with reference to the expenditure of public money on public buildings—

> "He had no hesitation in saying that this and other circumstances of a like kind were entirely owing to the lamentable and deplorable state of our whole arrangement with regard to the management of our public works. Vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated were united in our present system. There was a total want of authority to direct and guide."—[3 *Hansard*, clx. 1360.]

"*Non meus hic sermo.*" If anything had been done to bring order out of this chaos it was desirable it should be known, and he hoped they would hear it. Unless they had an assurance that a better system had been inaugurated, he should ask the Committee to negative the Vote.

Mr. HINDE PALMER said, he wished to direct attention to the great necessity there was for the erection of a new Patent Museum, which was waiting for a site; and as a suitable one was now pointed out, he hoped a Vote would be taken for the Patent Museum next year.

Mr. AYRTON said, he trusted he should be able to satisfy the noble Lord that it was quite unnecessary for him to enter a protest against the erection of this Museum. True it was, that the noble Lord, in conjunction with the other judges of designs selected, one which was not being carried into execution; but that was owing to the fact that they made their selection on grounds of taste, art, or architecture, and their selection was not based on considerations with which the Government in the end found itself compelled to deal. The first and most important consideration with regard to any building was to clearly understand the purpose for which it was to be erected and the manner in which it was to be used. The architect of the Musical Academy of Paris had published a very considerable work, in which he discussed all the preliminary questions relating to the use of the building before mentioning architectural designs, which he dismissed as purely a matter of opinion. In this case a design was selected and sent to the trustees of the British Museum, who, after a most careful examination, came to the conclusion that the design which was deemed second by the judges was much better than the first. The result was that the architect and the trustees of the British Museum agreed to an entirely new design which would fulfil both the conditions required—namely, utility and architecture. The noble Lord asked whether the Government had arrived at any better system. His answer was that they had. They had discovered the defects of former operations and how they might be remedied. He had made considerable inquiries on that subject in Paris, and in all the great offices there he found that the same complaints and inconveniences existed; that the Government gave the buildings into the hands of the architect before they had determined precisely what the architect ought to do. The consequence was that the practical official use of the building was made subservient to what might be the peculiar opinions in point of art of the architect. No architect ought to be employed by the Government for the construction of any building, until they were perfectly satisfied as to the objects and purposes for which it was intended. After determining these preliminary questions, they should ask the architect to carry out their wishes with a due regard to the beautiful in art; but of course they must let him know how much money they proposed to expend upon the work, otherwise he might proceed entirely according to his own imagination. The Government, in fact, were bound to act as any cautious, prudent man would do in his own business. The Office of Works was now so constituted that it could supply the Government with the preliminary information as to what was practically required in the case of any building, and how much money should be devoted to its erection. He had carried out that principle as far as he could in this instance. The Office of Works had arrived at a perfect accord with the trustees of the Museum, and had determined that a building such as was required ought to be constructed, not at the sum of £430,000 as formerly contemplated, but for £350,000; and for the smaller sum they would have in a suitable style of architecture a more commodious building erected than they would have had for the larger amount. With that view the contract plans and drawings had to be carefully studied by the architect; and those proceedings had taken more time than Mr. Waterhouse himself, or the Department had anticipated. He could not, however, yet fix the exact day when the contract would be made, for the simple reason that owing to the strike among the operative builders only the other day Mr. Waterhouse intimated to the Office of Works that he entertained some doubt now, at the last moment, whether they would be able to get a contractor to complete the building within the stipulated sum. It was his duty to inform that gentleman that he must revise all his details—and the Office suggested in what manner—so as to give a reasonable security to the Government that the contract would be completed within the stipulated sum. He thought no one could cavil at the delay seeing that the building trade was at that moment in a state of stagnation, owing to the strike or lock-out. The noble Lord thought they were proceeding in the dark; but the design had been very carefully considered, and, although complete in itself, was yet of such a character as to admit of large additions being made from time to time to meet the wants of the future. The noble Lord wanted to see the designs again before the work was commenced. [Lord ELCHO: The public should see them.] He did not know of what advantage it would be to exhibit the contract plans and drawings to the public. The design had been seen by the public at the Exhibition last year sufficiently to enable a popular opinion to be formed upon it, and when the late Government determined to employ Mr. Waterhouse, and that determination was approved by Parliament, there was an end of the matter of taste. The work must, of necessity, be left to Mr. Waterhouse, who could not be assisted by the general public. Therefore, he hoped his noble Friend would allow that all had been done that was necessary to secure a fulfilment of the promises made upon the subject. His hon. Friend (Mr. Bowring) had raised a nice legal point as to what extent this land was vested in the Office of Works for the purpose of science and art. Presuming his hon. Friend correct, he could conceive of no idea more intimately connected with science and art than a post-office. What would be the use of science and art unless it could be diffused, and how could it better be diffused than by the post office, aided by the electric telegraph?

Lord ELCHO submitted that the right hon. Gentleman had not replied to his Question. He (Lord Elcho) had expressed a desire that steps should be taken to secure as satisfactory an outside to the building as it was presumed it would be complete inside. The promises of the Prime Minister had not been fulfilled, nor would they be until the designs had been exhibited at a time when hon. Members and the public could study them. It was true they had been put up in Westminster Hall for a short period at the fag-end of the Session, but that could not be called an exhibition. He was, therefore, resolved to oppose the Vote until he had a promise that the designs would be exhibited.

The CHANCELLOR of the EXCHEQUER said, he wished to state two things. In the first place, the present Government had never had an opportunity of appointing an architect for any public building—[Lord Elcho: The Post Office]—in the second, the Government had most materially improved the system of erecting public buildings by the appointment of an officer in connection with the Office of Works.

Mr. WHALLEY complimented the First Commissioner upon the great ability he had exhibited in this matter, and thought the country was greatly indebted to the Prime Minister for his selection of the right hon. Gentleman for that office.

Mr. DILLWYN said, he thought he could promise to vote with the noble Lord, on the principle that the House should insist upon a plan when it had once fixed upon it.

Mr. W. ORMSBY-GORE said, he thought it was a preposterous proposal that they should vote a sum of £350,000 to be at the disposal of Mr. Waterhouse. If Mr. Waterhouse was to be the architect, and the First Commissioner of Works was to be his only supervisor, he doubted whether the House had sufficient confidence in either of those Gentlemen to sanction such an arrangement. It would be much better that a Committee of the House should be appointed to supervise the plans.

Captain TRENCH said, he thought that one remark which had fallen from the First Commissioner of Works had escaped the notice of the Committee, and it was that Mr. Waterhouse's design for the new building, which he had estimated would cost £350,000, and which had been substituted for Captain Fowke's design, had been handed back to him again by the First Commissioner of Works, on his representing that in consequence of the strike in the building trade—it could not be carried out at the cost estimated, with instructions to cut his designs down so that the original estimate should not be exceeded. He (Captain Trench) deprecated the introduction of such a system with reference to public buildings, and pointed out that the reason that there were so many barn-like barracks over the country, apparently reflecting discredit on architectural capabilities of the corps to which he (Captain Trench) had the honour to belong, was the working of such an utilitarian system, under which for a small amount of money large accomodation had to be provided—little money being given for, and consequently little regard being paid to ornamental appearance in the elevations. Such a system, he pointed out, might do well enough for barracks; but he thought it ought not to be applied to public buildings, more especially to such an one as that on account of which they were called upon to give a vote, which would also be in a measure a national monument, and one which would be visited by all foreigners and strangers coming to the metropolis. He submitted that the more proper course for the First Commissioner to take would be to carry out the plan which had been inspected by the public and officially approved of; and if it was found that from strikes in the building trade, or other unavoidable causes, the original design could not be carried out for the amount originally estimated, he (Captain Trench) had no doubt that the House would willingly vote any additional sum—which could be introduced in a Supplementary Estimate—rather than agree to the cutting down and spoiling of the approved design.

Question put.

The Committee *divided:* — Ayes 85; Noes 45: Majority 40.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £5,851, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for New Buildings, Maintenance and Repair of Buildings, and other Expenses connected therewith, of the Metropolitan Police Courts."

MR. WHALLEY, in moving to report Progress, said, he must appeal to the Government and the Committee to give him an opportunity of calling attention to the Tichborne Case. ["Order!"]

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Whalley.*)

THE CHAIRMAN said, the Question before the House related to the metropolitan police courts.

MR. WHALLEY attempted to proceed with his remarks; but being repeatedly called to order, at length said he would withdraw his Motion for reporting Progress.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(3.) £110,483, to complete the sum for Public Buildings in Ireland.

(4.) £12,560, to complete the sum for Lighthouses Abroad.

(5.) £450, to complete the sum for Embassy Houses Abroad.

(6.) £61,483, to complete the sum for Embassy Houses, &c. Constantinople, China, Japan, and Tehran.

(7.) £251,472, to complete the sum for Superannuation and Retired Allowances.

MR. SCLATER-BOOTH complained that the Votes were being taken in a very spasmodic manner, and asked why some of the postponed Votes in Class 2 were not taken?

MR. BAXTER said, he had announced on the assembling of the House at two o'clock, that three Votes to which Notice of opposition had been given would not be taken that evening.

MR. SCLATER-BOOTH thought longer Notice ought to have been given.

Vote *agreed to.*

(8.) £31,910, to complete the sum for Merchant Seamen's Fund Pensions, &c

(9.) £27,000, to complete the sum for Relief of Distressed British Seamen Abroad.

(10.) £14,350, to complete the sum for Hospitals and Infirmaries, Ireland.

(11.) £4,451, to complete the sum for Miscellaneous Charitable and other Allowances, Great Britain.

(12.) £4,618, to complete the sum for Miscellaneous Charitable and other Allowances, Ireland.

Motion made, and Question proposed,

"That a sum, not exceeding £976,468, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Customs Department."

MR. BOWRING said, he trusted that the Vote would not be brought forward that night, as the hon. Member for Chatham (Mr. Otway), who wished to call attention to the subject, was not in his place.

MR. GOLDSMID also thought the Vote should be postponed.

MR. PEASE said, he would also draw attention to the fact that the promised Treasury Minute relating to certain officials in the Customs had not yet been laid on the Table.

MR. BAXTER said, that as the Minute in question had not been produced, he would assent to the postponement of the Vote.

MR. MUNTZ remarked that there was great irregularity in the mode of taking the Votes. He trusted that in future the Votes would be taken in regular order.

MR. SCLATER-BOOTH remarked on the inconvenience of altering at two o'clock an arrangement made the previous night, that a Vote should not be taken.

Mr. WHITWELL also complained of the uncertainty and confusion created by Votes being taken out of the regular order.

Mr. R. N. FOWLER thought a Notice at two o'clock could not make up for the want of it the previous night.

Motion, by leave, *withdrawn.*

(13.) £1,644,308, Inland Revenue Department.

Mr. WHITWELL said, he would suggest an amalgamation of the Customs and the Inland Revenue Collecting Departments in small town, where the income hardly equalled the expenditure.

Mr. BAXTER said, no such scheme was at present in contemplation, and the question was too large a one to be discussed at a late hour without Notice.

Vote *agreed to.*

(14.) £2,609,814, Post Offices Services, &c.

House *resumed.*

Committee report Progress.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

MUNICIPAL CORPORATIONS (WARDS) BILL.—[Bill 102.]

(*Mr. Winterbotham, Mr. Secretary Bruce.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Winterbotham.*)

Mr. R. N. FOWLER said, he thought the correct title of this Bill would be "a Bill for the Encouragement of Municipal and Political Jobbery." The great object of the House should be to prevent municipal contests becoming political. The Bill gave the Home Secretary the power to manipulate the municipal wards in every town in the kingdom, and he would naturally manipulate them in the interests of his own political party.

Mr. WINTERBOTHAM said, the Home Secretary's name was not mentioned from one end of the Bill to the other. The power was given to the Privy Council.

Mr. R. N. FOWLER replied, that the Home Secretary would really be the person responsible, though the Privy Council might be nominally responsible. But if that were not so it only made his argument stronger. He had confidence in the present Home Secretary, but if the power rested with some Member of the Government not named—perhaps the Secretary of the Treasury—it only made matters worse. However it might be, the measure was calculated to give greatly increased prominence to political differences of opinion in every borough in the country, and would place power in the hands of the Government to dispose of in furtherance of their own political views. That was needless, for the Government had quite enough to do as it was, without having imposed on them the regulation of the affairs of every municipal borough in the kingdom. The Bill, if passed, therefore could not fail to give great dissatisfaction on account of the Government interference which it sanctioned, and it would lead to unlimited municipal dissensions wherever it was put into operation. If one Government made a change the next would be appealed to as soon as they came in to undo what their predecessors had done. He would, therefore, move that it be read a third time on that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Robert Fowler.*)

Mr. STEVENSON said, the hon. Member ignored altogether the cases in which, owing to altered local circumstances, some reconstruction of the wards was absolutely necessary. It was an exaggeration to impute to the Bill mere wanton interference with municipalities for political purposes. In practice it was impossible to procure the sanction of two-thirds of the Town-Councils for a re-arrangement of the wards, and thus, under the existing law, no such re-arrangement could be made without the expensive process of an Act of Parliament.

Mr. ASSHETON CROSS said, that before they altered the law they were bound to show there was a real practical grievance. One or two cases might, perhaps, be adduced in which the necessary two-thirds vote could not be obtained; but in those cases was not the majority in the right? A majority of two-thirds could always be obtained if a re-arrangement were required for municipal purposes; the only other object must be political; the House should not encourage municipal re-arrangements for political purposes; and as no municipal necessity had been shown, he supported the law as settled by his own Bill passed in 1859.

MR. WINTERBOTHAM observed, that as the hon. Gentleman introduced a measure dealing with this question in 1859, he evidently believed that at that time there was a real grievance; and it was for the hon. Gentleman to show that it had now ceased to exist. There was, however, nothing in the Bill to indicate a political object, and, as a matter of fact, the increase of population and wealth in prosperous boroughs required changes in the distribution of wards; and many applications had been made to the Home Office for changes of this character to be introduced into Local Government Bills. The machinery of the Bill had been adopted from the Act of the hon. Member; and, as he considered that the question should not be regarded from a party point of view, he was anxious to prevent the measure being used for political purposes. As in the present Bill, so in the Act of 1859, it was provided that applications should be made to the Privy Council; and, therefore, the objections of the hon. Member for Falmouth (Mr. R. N. Fowler) failed. If an evil be recognized by one-third, they may make out a case for submission to the Privy Council; and this Bill contained a safeguard against abuse. He should therefore be sorry to see the House reject it.

MR. J. LOWTHER said, he thought that the authorities on the Treasury Bench did not display any intimate knowledge of the practice in America on these questions, for in that country as soon as the question was decided one way there was an agitation for the re-adjustment of boundaries. He hoped the House would hesitate before they handed over power as was now proposed. He had never heard any great desire expressed for the alteration proposed by the present Bill, and he trusted the hon. Member would persevere with his Motion for the rejection of the Bill.

MR. KAY-SHUTTLEWORTH said, that his attention had been called to the difficulties which existed in relation to the ward representation in many boroughs, and especially in the borough which he represented; and, on behalf of his constituents, he had no hesitation in most heartily supporting the Bill.

MR. BIRLEY said, he was inclined to think that the hon. Member for Stroud (Mr. Winterbotham) was hasty in saying that the provisions of the Bill were satisfactory. In the course of time the Bill might have a very evil effect, for minorities in corporations and in boroughs might act in accordance with the wishes of an unpopular and tyrannical Government, and afterwards, and thereby change the political and social condition of the municipalities.

MR. COLLINS said, he thought it would be advisable to wait until the effect of the Act of last year taken in conjunction with the Bill introduced by the hon. Member for South-west Lancaster had been ascertained before further legislation on the subject was attempted.

MR. LEEMAN held that the Bill would be found useful, and that the House would do well to pass it, though he thought in some respects it scarcely went far enough.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 67; Noes 34: Majority 33.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

CRIMINAL LAW AMENDMENT ACT (1871) AMENDMENT BILL—[BILL 157.]

(*Mr. Vernon Harcourt, Mr. James, Mr. Mundella, Mr. Dixon, Mr. Melly.*)

SECOND READING.

Order for Second Reading read.

MR. VERNON HARCOURT, in moving that the Bill be now read a second time, said, he must express his regret that at that advanced period of the Session he could not hope to proceed with it beyond the present stage with any prospect of success; but in consequence of the defective state of the law upon the subject, a measure of this kind was required. Under the Act of 1871 convictions had been obtained and sentences passed which were utterly contrary to the intention of the Legislature. The Bill provided that watching or "picketing" should not be subject to a criminal charge, so long as violence was not used. That was the only issue raised, and, briefly stated, the object of the Bill was to make the law clearer than it was at present, and to remove all ambiguity as to picketing. Hon. Members themselves were subjected to picketing by the Whips, who, however, were not sent to prison, and did not have their hair cut for putting moral pressure on Members. He believed it would give satisfaction to the working classes.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Vernon Harcourt.*)

Lord ELCHO moved the adjournment of the debate. A Bill of such importance could not be properly discussed at that hour (1.30 A.M.). Moreover, as a Trades Union Commissioner, he thought the Act of last year, dealing with trades unions and regulating labour generally, ought to be continued for another year, and then the Government might amend that Act if necessary.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Lord Elcho.*)

Mr. BRUCE admitted that there had been some very singular decisions under the Act, especially for the offence of picketing, as it was called, being the act of watching workmen with a view to their coercion; but he did not expect they would be repeated. He could not, however, consent to remove picketing from the category of special offences, nor did he think it would be proper to discuss such important questions as were connected with this Bill at so advanced an hour in the morning. He differed from his hon. and learned Friend when he said this Bill would give satisfaction to the working classes. The numerous communications he had received showed that they objected to special legislation on their behalf, and that they preferred the general law of the country. The Bill not only went further than the Government wished, but its introduction was altogether premature.

Mr. JAMES said, he objected to delay in passing a Bill of this kind, which was essentially requisite in order to do justice to the working men, who were liable, under the existing law, to imprisonment for mere picketing, without any violence being used. Baron Bramwell had decided that picketing was not in itself an illegal act, and yet there had recently been convictions, with sentences of three months' imprisonment, for simply walking up and down in front of a house without the slightest attempt at coercion. All the working men asked was, that they should be put on the same footing in the eye of the law with the other classes of the community.

Mr. COLLINS said, there would have been a better chance of the Bill passing had it simply defined the Act of last year, which was grossly misinterpreted in some localities.

Mr. MUNDELLA said, he trusted that the House would discuss so important a question even at that late hour in the morning. It could not be denied that under the existing Act some exceedingly harsh convictions had taken place. Men had been imprisoned and put on the treadmill for simply passing up and down before a door. Did the noble Lord (Lord Elcho), who was so anxious to shelve this Bill, remember that during the whole of the week he had been exerting himself to hedge the mine-owners round with all sorts of protection? Would the House consent to send a master to the treadmill for an offence which was equivalent to picketing? They had heard from the hon. Member for Merthyr (Mr. Fothergill) the dreadful results that would follow upon sending a mine-owner to the treadmill. The hon. Member had made the whole House shudder with his description of the clipping of the mine-owner's hair, until one could almost imagine he felt the scissors among his own ambrosial curls.

After short discussion,

Question put.

The House *divided:*—Ayes 32; Noes 30: Majority 2.

Debate *adjourned* till *Monday* next.

FARM BUILDINGS (SCOTLAND) BILL.

On Motion of Mr. Fordyce, Bill to amend the Law of Scotland in regard to the right of property in Buildings erected by Agricultural Tenants, *ordered* to be brought in by Mr. Fordyce and Mr. M'Combie.

Bill *presented,* and read the first time. [Bill 231.]

House adjourned at half after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 8th July, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Municipal Corporations (Wards) * (199); Summary Jurisdiction * (200).
Report—Infant Life Protection * (187).
Third Reading—Boundaries of Counties (Ireland) * (180), and *passed*.

NEW PEER.

The Right Honourable Sir John Young, Baronet, Knight Grand Cross of the Order of the Bath, Knight Grand Cross of the Order of St. Michael and St. George, Governor-General of the Dominion of Canada, and Governor-General and Commander-in-Chief in and over the Island of Prince Edward, having been created Baron Lisgar—Was (in the usual manner) introduced.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL –(No 186.)

(*The Lord President.*)

COMMONS AMENDMENTS CONSIDERED.

Commons Amendments to Lords Amendments, and Commons consequential Amendments, and reasons for disagreeing to some of the Amendments made by the Lords, *considered* (according to Order).

THE MARQUESS OF RIPON: My Lords, I must ask your attention for a few moments in order that I may make clear to your Lordships the course which I suggest it would be desirable to pursue in the consideration of these Amendments. I think your Lordships will agree with me that it will be desirable before any Question is put that we should have before us clearly and distinctly the particular Amendments immediately under consideration. The first Amendment which will come under your Lordships' notice is one introduced in your Lordships' House giving a power of scrutiny, and the object of which is to afford a means of following the vote. The second has reference to what is now known by the name of the optional Ballot. Your Lordships appeared to think that when the Bill was in Committee I was not right in dealing with those two points together; I shall therefore keep them distinct on this occasion. My Lords, on the question of scrutiny the House of Commons have adopted the measure your Lordships desired to enforce. Though contrary to the view which that House had adopted by large majorities in two different Sessions, they have consented to adopt it out of deference to the opinion of your Lordships' House; but they have thought right at the same time to introduce some further securities for secrecy, and these involve a change in some of the wording of your Lordships' amendment, to which I do not think your Lordships will object. It will be necessary to re-insert some words which your Lordships struck out of Clause 2. I therefore beg to move an Amendment which will give effect to the proposition I have just stated.

Moved that their Lordships do not insist on their Amendment on Clause 2 down to the word "having," and agree to the Commons Amendment as far as that word.

THE DUKE OF RICHMOND: My Lords, I quite concur in the course the noble Marquess proposes. It is much more convenient that the two questions of Scrutiny and Optional Ballot should be brought before your Lordships as distinct questions. It would not be at all desirable to have them mixed up. The manner in which the vote given by Ballot will be traced if the Amendment proposed by the noble Marquess is carried is one to which I agree, because it entirely carries out the view of the matter which I endeavoured to submit to your Lordships when this House was in Committee on the Bill. There will be no opposition, I think, to the proposed Amendments in the wording of the clause down to the word "having;" but on the question of striking out the word "secrecy" that of an optional Ballot will arise. But with regard to the question of scrutiny, I wish to make an explanation on a matter which has obtained some publicity. It has been stated in print that I misled your Lordships by saying that the words I asked your Lordships to introduce in the Bill were words taken from Lord Hartington's Bill of 1870. I distinctly repeat that they were. I cut them out of the clauses of Lord Hartington's Bill, pasted them on paper, and handed them to the officer of the House in order that they might be submitted to your Lordships as Amendments. It may have been —and I believe it was the case—that some few words of Lord Hartington's clauses were omitted because they would not have fitted into the clauses of the present Bill; but the statement I made to your Lordships was quite correct. Now, my Lords, it might be convenient that I should at once state to your Lordships which are the Amendments on which we think it important to insist. I will ask your Lordships to insist on your Amendment giving an optional Ballot. I will ask you to retain in the 33rd clause the words introduced on the Motion of my noble Friend (Earl Beauchamp), and which have reference to the duration of the Bill; and also the words which provide that the declaration of an illiterate voter shall be made before the presiding election officer, instead of before a magistrate.

On Question? Commons Amendment *agreed to*, as far as "having."

THE MARQUESS OF RIPON: The question your Lordships now have to consider is whether you will or will not insist on the adoption of the system which has been called the optional Ballot. I must say I heard with very great regret the statement just now made by the noble Duke to the effect that he intends to advise your Lordships to insist on the Amendment of this House which introduced that system into this Bill. It appears to me, my Lords, that the system is altogether inconsistent with the principles and objects of the Bill, and that if your Lordships insist on your Amendment you will render the whole measure, so far as its real principle as a Ballot Bill is concerned, a mere sham. I ask your Lordships to consider the position in which this question stands at the present moment. By the Amendment which your Lordships introduced, and which has been accepted by the House of Commons — the Amendment with which your Lordships have just been dealing—you have secured the admission in this measure of a plan which will make it possible that a vote may be followed on a scrutiny. Your Lordships are aware that in the last and present Sessions the House of Commons, by large majorities, refused to adopt that system, because they wished that by voting by Ballot there should be complete secrecy for the voter; but in deference to your Lordships' views, the House of Commons have given up their own deliberately formed opinion, and adopted a principle which your Lordships thought more desirable. But while thus showing themselves anxious to come to an agreement with your Lordships in reference to this measure, we know from what has passed in "another place" that the House of Commons has refused no less distinctly to concur with your Lordships' Amendment for the introduction of an optional Ballot, because they believe it would be fatal to the objects for which this measure is designed. And, indeed, my Lords, I find it difficult to imagine how it can be seriously argued that the system involved in your Lordships' Amendment is one which would secure to the elector the advantages contemplated by those who desire to see the Ballot introduced at the Parliamentary and municipal elections of this country. My Lords, I suppose none of the advocates of the Ballot desire it simply for the purpose of making a a change in the established mode of voting and irrespective of positive advantages which the Ballot as a system possesses; but I think it can be shown beyond question that the plan proposed in the Amendment of your Lordships is one which would effect a change, without bringing about any one of the advantages which those who advocate a Ballot Bill believe would follow from the adoption of an honest and straightforward Ballot. It further appears to me, my Lords, that this proposed system of leaving open voting or secret voting optional is one that would tend very much to perpetuate those very evils which the Ballot is intended to put an end to. The case of intimidation is perhaps stronger than that of bribery. I ventured to submit to your Lordships on a former occasion that this plan of an optional Ballot would merely have the effect of shifting the operation of bribery or intimidation from one point to another. My noble Friend the noble Marquess opposite (the Marquess of Salisbury) said it would not; that if men were determined on intimidation they could have it under any system, because they could say to the voter—"You shall not vote at all;" but surely the noble Marquess will admit that there is much less risk of intimidation being exercised for the purpose of keeping men away from voting than for that of making them vote for particular candidates? We have heard in the course of these discussions about groups or knots of voters who join together to make a good thing out of an election. If your Lordships insist on this optional principle, the first thing such groups will do is to vote openly. The briber will say—"You must vote openly; you must afford me a security for your vote." So that the result will be a perpetuation of all the evils of bribery. I have always admitted that some of those evils might exist even after the introduction of the Ballot; but I am one of those who hope that they will be much decreased. Again, if the optional principle is introduced, it will be quite worth the while of persons who carry on electoral organizations, and who are desirous of maintaining their power and influence over voters, to confine their operations during one or two elections to saying—"You shall vote openly," and, open voting once re-established, the whole system of intimidation is re-introduced. It is sometimes argued that there is no danger of intimidation in these days; but I think it would be found under this optional plan that people would have less scruple about intimidating voters to vote openly than about intimidating them by saying—"You must vote for 'A' or 'B.'" We know the epithets which for many years past have been applied to voting by Ballot by those who are opposed to the system. It has been described as "unmanly," "un-English," "sneaking," and as "not honest and straightforward." Do your Lordships think that these epithets would not be applied to those who preferred secret voting when they had the option of voting openly? My Lords, if not at the first General Election, certainly at the second, this optional plan would re-introduce all the evils which the Ballot is intended to do away with. I have ventured to point out more than once that an extended suffrage must necessarily lead to attempts at intimidation of a different kind from the intimidation practised under a limited franchise. Some noble Lords on the opposite side seem to think that is a delusion on my part; but I was exceedingly struck the other day, on reading a remarkable paper by Professor Beesly in *The Fortnightly Review*, by a passage which I beg to quote—

> "At the last General Election they, for the first time, found great power lodged in their hands. They were inexperienced, and they did not use it skilfully. They were played with and sold by candidates of both parties, who led them to believe they would care for the objects they had at heart. Beyond a doubt, they will try to take care of themselves better next time. Public opinion among workmen is very strongly organized, and it will be brought to bear. A strong and perfectly legitimate moral pressure will be exercised on individual voters who might be inclined, from selfish or corrupt motives, to desert the cause of their class."

My Lords, to be forewarned is to be forearmed. You are there told very distinctly what organized bodies intend to do. No doubt, moral pressure may be a perfectly legitimate power; but there are different views as to what in electioneering may be regarded as within the bounds of moral pressure. From what is stated by Professor Beesly, it seems exceedingly likely that very strong pressure will be brought to bear on individual voters by the trades unions, and other such organizations; and I ask your Lordships opposite, who were instrumental in so largely extending the franchise a few years ago, whether you are not bound to secure those who had votes given to them by that measure, and to defend them against a principle which will enable these organized bodies to lead them to the hustings like a flock of sheep? The noble Marquess (the Marquess of Salisbury) said the other night that we must not assume that those constituencies who had returned supporters of the Ballot would not be in favour of an optional Ballot. My Lords, I can refer to strong evidence on this point. My hon. Friend (Mr. F. S. Powell) the Member for the Southern Division of the West Riding of Yorkshire, who represents a constituency of 17,000, voted against this optional Ballot. He was returned at an election where both the candidates were Ballot-men. He ought to know the feelings of that large constituency, and he voted against this system. Mr. Hanbury, the Conservative Member for Tamworth did the same——

THE DUKE OF RICHMOND: But the Member for Oldham?

THE MARQUESS OF RIPON: I admit that; but I attach more importance to the votes of the electors and the representative of such a district as the Southern Division of the West Riding. I think, then, my Lords, I am entitled to say that while there are clear and distinct indications both in the country and in the House of Commons in favour of the secret Ballot, your Lordships' Amendment, instituting an optional Ballot, destroys the whole value of the Bill—it eats out its heart. If your Lordships intended to take this step and to adhere to it, far better would it have been to say —"We will not have this Bill at all. We think the principle of secret voting so objectionable that we join issue on the question." What you would do by this Amendment would be equivalent to that; but it would be done in a manner which, I think, would be far less to the advantage of your Lordships' House. I hope you will not persevere with such an Amendment. I do not say that because this Bill relates to the other House of Parliament and not to this, your Lordships should not give to its principles and its details your full consideration, and exercise on both an impartial judgment; but I do say that this is a matter on which your Lordships will do well to give the deliberate opinion of the House of Commons your most courteous attention. No one can doubt that out of consideration for your Lordships' House the House of Commons has on important points abandoned its own views. I would ask your Lordships, therefore, to resolve, out of consideration for the House of Commons, to abandon this illusory Ballot—which I submit has been introduced without meaning, reason, or probable advantage. I believe that if you do not insist on this unfortunate Amendment you will be consulting the real interests of the country, and at the same time doing an act of political wisdom.

The Duke of RICHMOND: My Lords, I will in a very few words explain why I ask you to insist on this Amendment; but, before bringing forward any arguments that I may be able to adduce in favour of the course I ask your Lordships to adopt, I desire to deal with that part of the speech of the noble Marquess (the Marquess of Ripon), in which he referred to the feeling of the people of this country. The noble Marquess stated the feelings of the people of that part of the country with which he is particularly connected. Being a Yorkshireman, the noble Marquess attaches more importances to public opinion among the large constituencies of Yorkshire than to that of smaller constituencies such as Oldham. But that being so, let me tell the noble Marquess that there was an election for another Division of Yorkshire to-day, and that if there was one topic on which more than another the successful candidate dilated, it was his dislike of and opposition to the Ballot. The noble Marquess mentioned Mr. Powell as a supporter of the Ballot and a Representative of one Division of Yorkshire, but an equally important Division of Yorkshire has this day elected a Representative who is not a supporter of the Ballot. The noble Marqness spoke as if the whole country was in favour of the Ballot. Well—we know that some constituencies have returned Members who are in favour of the Ballot; but among the constituencies who have recently returned Members who are not for the Ballot are—Plymouth, Truro, East Surrey, North Nottinghamshire, Wallingford, Cumberland, Gloucestershire, and to-day the Western Division of Yorkshire. I do not, however, think this is a point with which we have very much to say on this occasion, and I should not have alluded to it only for the amount of capital which the noble Marquess seemed to me to be attempting to make out of it. I am glad the noble Marquess admits that your Lordships have an undoubted right to deal with this question; because I have seen it stated that your Lordships had nothing to do with this Bill, as it was one merely for regulating the election of Members to serve in the other House of Parliament. Those who make this suggestion do not seem to remember that the Bill deals, not only with Parliamentary, but also with municipal elections. I think that having regard to its scope it may be in every sense regarded as having an Imperial interest. I regret that in the other House of Parliament the Prime Minister should have thought it not inconsistent with his dignity and with the importance of the Bill itself to make sneering allusions to the course taken by this House with reference to its provisions. I have not those remarks of the right hon. Gentleman before me, but they will be found in the reports of his speech, and I must say I do not think they advanced his arguments, which would have been much better without them. In my opinion, these sneering allusions were not in good taste. Now, my Lords, as to the arguments which the noble Marquess has just addressed to your Lordships' House, I do not think he argued that bribery and corruption would be much affected by this question. His case rested on intimidation. The noble Marquess has given up altogether the subject of intimidation by landlords. He says the Ballot Bill must be a secret Ballot Bill in order to prevent the oppression which would occur by the trades' unions of this country. Now, I object to have the majority of the country coerced in any manner for the satisfaction or for the benefit of the minority of the country. My own impression is that the majority of this country are not in favour of the Ballot; that the great bulk of the country, if they want the Ballot, do not want a secret, but an optional Ballot, more particularly when they see the pains and penalties connected with what is called, strictly speaking, a secret Ballot. I think this measure ought not to be made compulsory as regards the secrecy, because I think the majority of the people are not in favour of it. But I want to know whether it is not possible that the Ballot should be made secret and yet be optional. The noble Marquess says that an optional secret Ballot is inconsistent with the Bill; that it makes the Bill a mere sham. I think on more than one occasion when Amendments were introduced into the Bill, the answer we got on a former evening was that those Amendments made the whole thing a delusion and a sham, and I believe those words have been made use of in "another place." I want to know whether it is really the fact that an optional Ballot must be a sham, and that with an optional Ballot you cannot have secrecy just as much as you please? The noble Marquess will recollect that when the Education Bill was passing through the other House of Parliament, in 1870, some hon. Members were very desirous that the members of the School Board in the Metropolis should be elected by Ballot, and that that Ballot should be one of a secret character. I think the hon. Member for Chelsea (Sir Charles Dilke) proposed to insert an Amendment to the effect that the Ballot should be a secret Ballot. Now, the course thus proposed to be taken by the hon. Baronet with reference to the election of school boards was objected to by Her Majesty's Government, and Mr. Forster, the Vice-President of the Council of Education, gave his reason why he thought the word "secret" should be omitted. He said—

> "The reason why he proposed to omit the words 'a secret' was not because they did not intend to secure secrecy—for they intended to secure such a Ballot as would give the fullest protection of the voters from intimidation—but because the hon. Baronet opposite had, by a strange construction of the words, discovered that they meant a Ballot which must be secret, rather than a Ballot which might be secret. They did not look forward to a sham Ballot, but one that would protect all who needed it in recording their votes."—[3 *Hansard*, cciii. 304.]

Now, this is optional voting, and Mr. Forster says you can by an optional Ballot secure secrecy. I shall be very curious to hear what construction the noble Marquess puts on these words. A week or two afterwards, when the word "secret" had been struck out and another Amendment to the same effect was proposed, Mr. Forster said—

> "There appeared to be two kinds of Ballot. In one the voter might have secrecy if he pleased; but in the other secret voting was compulsory; and it was because he understood his hon. Friend the Member for Chelsea (Sir Charles Dilke), and those who thought like him, to mean that secrecy in the election of Boards ought to be of the compulsory kind that he felt it would not be desirable for the Government to be hampered with that condition. He, however, maintained that the plan on which the election of vestrymen in the metropolis was conducted was one by which the voter might secure secrecy if he pleased; and, therefore, the hon. Member for Oldham (Mr. Hibbert) was right in saying that there was no sham or deception about that system."—[3 *Hansard*, cciii. 657.]

I do not know that I have very much to add to the arguments I have endeavoured to bring forward. I believe optional voting secures all that is required. The noble Marquess says, considering the course we have taken, it would have been better if we had thrown out the Bill altogether on the Motion for the second reading. I think it would have been very unwise to do so. It would have been very discourteous to the House of Commons. What we did on that occasion was to state that, generally, we were not in favour of the Ballot, but that, under all the circumstances, we thought it right that the Bill should be read a second time; and we stated in the clearest language that in Committee we should bring forward Amendments which would enable the Ballot to be an optional Ballot. The noble Marquess seems to find fault with us that, having brought forward Amendments, we do not at once give them up. He says that we brought forward Amendments without due deliberation. It is because we fully deliberated upon them, and because we believe it to be absolutely necessary that the word "secret" should be struck out of the Bill, and that it is for the advantage of the people of this country that those who wish to vote openly should have the liberty of doing so, that I ask your Lordships to strike out this word.

Moved, to insert on the omission of the word ("secretly") in page 3, line 9. —(*The Duke of Richmond*).

THE DUKE OF NORTHUMBERLAND: My Lords, as I had not an opportunity of voting on the introduction of this Bill, nor on the Amendments as originally proposed, I trust your Lordships will allow me to state in a few words the view I take of the Amendment of my noble Friend, and the course it is my intention to follow on this occasion. It will, I fear, be considered unsatisfactory by him, and if not explained might possibly lead to a misinterpretation of my motives by him, and by the party with whom my political sympathies have allied me. A noble Friend of mine opposite, speaking of the Bill itself the other night, stated his conviction that very undue importance had been attached to it, and I so far agree with him that under present circumstances no political party will probably find its position materially altered by its operation. But its moral results will be most objectionable. Hackneyed as the phrase may be, I must repeat that it is thoroughly un-English. As has been the case in every country in which it is enforced, it will destroy all sense of responsibility, all patriotic spirit; it will alienate entirely the educated and independent classes from any desire to participate in the government of the country, and throw the whole management of elections into the hands of men to whom secret voting will afford the means of employing safely all the methods of corruption which are now kept in check by the difficulty of avoiding detection and punishment, especially since the creation of the new tribunals to which offences of this kind are now amenable. Being unavoidably absent during the debate, I therefore paired against the second reading of this Bill. Now, my Lords, respecting these Amendments, if they are improvements, I am the last person to recommend that this House should be frightened out of its adherence to them. Neither the post-prandial menaces of the Prime Minister on the one hand, nor, on the other, his assurance that he will not without due deliberation destroy this House, or at best, I suppose, allow it to exist under conditions which shall make it the tame and subservient registrar of his decrees — none of these menaces or promises would weigh with me one iota in the consideration of the course which this House ought to adopt; and, by the way, I cannot but recollect that the zealous conversion of the Premier to the Ballot dates immediately from the time of his rejection by the constituency of Lancashire. But regarding the Amendment proposed by the noble Duke, I must own that I cannot conceive one more calculated to produce all the evils of both the open and secret methods of voting in their fullest extent. Detesting the Ballot as I do, my noble Friends behind me must remember that by their own act — an act which shook for ever my faith in public men, and has weakened the intimacy of the connection which bound me to the party with which I had acted through the whole of my political life—they have bestowed the franchise on an immense class of voters peculiarly exposed to intimidation and personal violence on the part of members of their own body. The unfortunate elector who, if this Amendment be carried, votes secretly, will be an object of suspicion to his fellows, he will be subject to examination, inquiry, every sort of moral torture until the purport of his vote is extracted from him; and I leave it to your Lordships to judge what sort of treatment he is likely to receive at the hands of the unions in Sheffield, or any other of the great manufacturing towns, if he is proved to have voted against the will of the majority. My Friends must therefore not blame me if—the principle of the Bill having been affirmed without decided opposition from them—I disagree with them on an Amendment which seems to me neither calculated to secure to the electors the protection of secret, nor ensure the retention of the moral advantages of open, voting; and as to the loss of dignity consequent on a retreat from a position—which I cannot but think unskilfully chosen—I trust this House will have the courage to acknowledge a mistake, as well as the stern determination to maintain a decision when it is right and just.

THE DUKE OF MARLBOROUGH: My Lords, I have not hitherto addressed your Lordships on the subject of this Bill, and I will now confine myself to this particular Motion. The noble Marquess opposite (the Marquess of Ripon) who desires that your Lordships shall not insist on the Amendment which you made on this clause, depicted in eloquent terms the evils which would be incurred if secrecy were not maintained, and he even declared that if your Lordships' Amendment were insisted on you would reduce the whole measure to a sham. Now, I should like to ask the noble Marquess when that discovery was first made, and what securities were contained in the Bill as it came up to us for the secrecy of which he is so enamoured. The discovery must have been very recently made. When the Bill was introduced in the House of Commons last year it contained only a very mild provision for the enforcement of secrecy—namely, a penalty of £10 for its infringement. The measure, as your Lordships are aware, encountered considerable opposition in its passage through the other House, and gave rise to many protracted debates. As the Session was drawing to a close, the Government thought it necessary to see how the Bill could be lightened, in order to shorten the discussions and send it up to us in anything like reasonable time. After due consideration the Vice President of the Council made this statement—

> "We have been very careful in going through the clauses and considering what, with due regard to the object we wish to accomplish in the Bill, can safely be omitted. I feel sure that the House would not desire, notwithstanding the length of our discussions, that we should strike out of the Bill any clauses which in our opinion are necessary in order that the Bill, when it actually becomes law, should be properly carried out. We have carefully gone through those clauses to see whether any of them could be safely omitted, and we have come to the conclusion that we can only recommend the omission of one, though that is an important clause. That is the 30th clause which is one of the 'penalty' clauses and provides penalties against voters who do not follow the directions given in regard to voting secretly. We have come to this conclusion that as the Committee assented to the 19th sub-section, as it then stood—the 18th as it now stands—of the 3rd clause which declares a vote void and not to be counted unless that provision be complied with, we hope that will be a sufficient penalty and that the Ballot may be enacted without any other penalty."—[3 *Hansard*, ccviii. 315,]

The clause which the Vice President of the Council thus agreed to omit imposed a penalty of £10 for the infringement of secrecy—that being the only penalty of the kind which the Bill contained. Now, if the right hon. Gentleman thought last year that it might be omitted, how comes it that such a remarkable change has come about in his opinions as to this particular provision?—and whence arises the opinion which we have just heard from the noble Marquess—that the Bill without the secrecy clause will be a delusion and a sham? Even, too, if that statement were correct, where, I ask, are the provisions which will render the Bill operative in the sense indicated by the noble Marquess? When introduced this Session it contained no provision for enforcing secrecy; it simply provided that votes should be given secretly. It was only on the proposition of Mr. Leatham that the question arose whether a penalty should be imposed on a voter who exhibited his vote; and after discussions in which the point was three times debated, the House of Commons resolved in the negative. During those discussions Mr. Gladstone, referring to the pressure that might be exercised by trades' unions to make their members vote in a particular way, said the voter would have but a very feeble argument if the voter could only tell the would-be intimidator that the exhibition of his voting paper was contrary to the intention of Parliament; but that if he could say Parliament had made the act penal he would have substantial ground on which to resist intimidation. The House of Commons, however, refused to make the act penal in the sense proposed by Mr. Leatham and supported by Mr. Gladstone. It may be argued that there is a constructive penalty, the infringement of an Act of Parliament being a misdemeanour. Consider, however, an indictment laid against a voter for having by mistake or otherwise exhibited his voting paper! We may conceive it likely to be the case hereafter—perhaps at no very distant date—that the franchise will be still further extended, and possibly county householders may obtain it. Now, considering their habits and state of education, is it not likely that many of them, through error, inadvertence, or other causes, may disclose the way in which they have voted? If such a voter is indicted, who will be the witness against him? Obviously persons in the polling-booth, the agents of the candidates against whom he voted. There will be an animus in their testimony, and it is not at all unlikely that they may institute proceedings against him on account of personal or political hostility towards him. I trust, therefore, your Lordships will consider seriously before you waive this Amendment. I must remind your Lordships that this part of the Bill has never been submitted to the country. Noble Lords opposite may tell us that your Lordships' decision may involve an appeal to the country; but I think no stronger reason could be urged for insisting upon the Amendment than that before a measure is passed which, according to the noble Marquess opposite, must be of a penal character if it is to be worth anything, the opinion of the country should be taken upon it. Your Lordships' House will be able to take that constitutional view of the question. No doubt your Lordships have no power to resist the opinion of the country when plainly expressed. Whether in the case of the Irish Church Act or of the Irish Land Act we have seen your Lordships yield to the expressed opinion of the country even against your strong convictions, and I feel satisfied that you would yield in the present instance were you convinced that by doing so you would be acting in accordance with the views of the majority of the people of this country. Your Lordships are here to watch over and to maintain the liberties of Englishmen, and in the discharge of that duty you are bound to refuse to sanction a provision which has not yet received the approval of the people. We have no desire to delay the passing of this measure; all that we desire is to delay the passing of this particular provision until the opinion of the people of this country has been taken with regard to it:—and in doing so we shall be occupying an unassailable and a constitutional position.

EARL GREY: My Lords, having had an opportunity when we were considering the Bill in Committee of stating my reasons for objecting to what has been called voluntary secrecy, I will not abuse your Lordships' indulgence by repeating the arguments I then used; but I wish to refer to one point which seems to me to deserve the consideration of your Lordships before we come to a vote on the Question before us. The next important Amendment which the House will have to decide upon is that which proposes that the Bill shall only continue in operation until 1880. I hope and trust that your Lordships will insist on that Amendment; but I would point out that if we agree to the Motion of the noble Duke and retain the optional Ballot we shall be cutting away the strongest argument we have for adhering to the Amendment for rendering the operation of the Bill temporary. We introduced this clause, as I understood, on the ground that there is so much doubt as to how secret voting might work that it would be imprudent to establish this system permanently till its effects had been fairly ascertained by experiment. But if this is our object in making the operation of the Bill temporary, we must take care that the experiment is fairly tried in such a form as will satisfy the supporters and advocates of the system, which will not be the case unless secrecy be made compulsory. Therefore, upon that ground, if upon no other, I should feel bound to vote against the Motion of the noble Duke. I must add that I heard with some astonishment from the noble Duke who has just sat down (the Duke of Marlborough) that it is not the wish of himself or his noble Friends to delay the settlement of this question. If that is not their desire, I am utterly at a loss to comprehend how they can propose the insertion of this Amendment, because it is notorious to every one of your Lordships, as it is to me, that to insist upon this Amendment will necessarily be fatal to the Bill.

EARL RUSSELL said, he thought he might venture to address their Lordships on the present occasion, his attention having been directed to the subject of the Ballot for more than 40 years. When in 1831 the Ministry of the late Earl Grey was formed on the principle of introducing the question of Parliamentary Reform as a Ministerial question, he was one of a Committee of the Ministers to whom was committed the charge of drawing up the scheme of the first Reform Bill. The proposals of that Committee contained a recommendation of the Ballot. When Earl Grey spoke to him of the scheme, he said that while the Cabinet cordially approved of the measure as a whole, there was one part of it to which they could by no means assent—namely, the Ballot. He (Earl Grey) asked him (Earl Russell) whether he attached much importance to the point, and whether he was willing to give it up? His answer was that in fact he had used every argument to induce the Committee not to insert the Ballot in their proposals. The suggestion of the Ballot was consequently omitted from the Reform Bill which he (Earl Russell) introduced in the House of Commons, and it never appeared in any of the subsequent Bills. Since that time he had watched all the discussions that had been raised upon the Ballot question, and had taken part in some, and had seen no ground for changing the opinions he entertained 40 years ago. The late Sir Robert Peel was as much opposed to the Ballot as Earl Grey. Many noble Lords would remember the speech of wonderful argumentative force and eloquence which he (Sir Robert Peel) delivered against Mr. Grote's Motion in 1838. The reuslt of the debate on that occasion was that the Motion of Mr. Grote was rejected by a majority of 117. The present Prime Minister had eight or nine times voted against the Ballot in the House of Commons. It was therefore with no little surprise that he (Earl Russell) heard the year before last that Mr. Gladstone had suddenly announced that he had become a convert to it. The reason given for this sudden conversion was two-fold—first, that secret voting had been adopted all over the world; and, secondly, that now every adult person in England had the right of voting. These two reasons were, no doubt, plausible; but the allegations on which they rested were totally inaccurate. With regard to the first it was far from being true that the Ballot had been introduced all over the world. It had not been adopted even in all our own colonies. The good sense of the people of the Dominion had refused to accept its introduction in Canada, and, if he did not mistake, the usage of secret voting had not been practically adopted in our great colony of Victoria. Secret Ballot did not really exist in half of the States of the American Union. In the New England State of Massachusetts a law was passed by which a voter might go to a public office and ask for an envelope in which he might enclose his vote, and thus if he chose keep the way in which he voted a secret. That was, if anything, an "optional Ballot"—the secrecy was in the absolute power of the voter himself. At the end of three or four years some curious people wished to know how many of those envelopes had been taken, and whether any great number of the electors had chosen to vote secretly. It was found that very few, if any, of the electors had taken those envelopes or chosen to vote secretly. The law was therefore repealed, and everyone voted openly. No doubt, open voting gave opportunity for intimidation, but in his opinion the system embodied in the present measure would increase personation, would increase bribery, would increase fraud and falsehood of every kind—indeed, in whatever light secret voting was viewed it seemed a bad system—it was nothing but an increased power of corruption in every direction. It would encourage falsehood, for it was quite possible under the Ballot that a voter might be intimidated by his landlord into promising his vote, but having the power to vote would secretly vote against his promise. He would then go to his landlord and say—"I voted as you asked me—I quite agree in your opinions, and have voted with you." It was some such argument as this that Mr. Grote put forward in proof of the value of the Ballot in checking the influence of the landlord and employer, and he maintained that the tenant would be perfectly justified in acting in this way. It seemed, however, to him (Earl Russell) that though the intimidation might fail as to the actual vote, the Ballot would introduce a new form of fraud and distrust, which would not be much preferable to the old-fashioned intimidation. The Englishman's privilege of public voting should be as sacredly respected—he should have the same right of voting openly as he had by the existing law:—and at least there was no reason why the elector of Old England should be deprived of a privilege of open voting which was enjoyed by the voter of New England. It seemed to him a great argument in support of open voting that a man who was desirous of promoting some great public question—of something that would improve the condition of his fellow-creatures—was more likely than any other man to wish to give his vote openly, and would be proud of proclaiming his support of a candidate who held large and philanthropic views. When Sir Samuel Romilly was engaged in his endeavours to mitigate the severity of our criminal code and was a candidate for Westminster, an elector, sympathizing with his efforts, was proud to say—"I vote for Samuel Romilly." Why should a voter not be allowed to proclaim his sympathy with a man whose life was devoted to mitigate the sufferings of his fellow-men? Or again—when Wilberforce stood before the great constituency of Yorkshire, the champion of the abolition of slavery throughout the world—a great and noble aspiration!—surely the electors should not be prohibited from proclaiming openly, in the face of all men — "I vote for Mr. Wilberforce and the emancipation of the human race!" This Bill would make the revelation of his vote an offence and a crime on the part of the official persons who were in the polling-booth at the time. It was provided by this Bill that the voter, having secretly marked his vote on the ballot-paper and folded it up so as to conceal his vote, should place it in a closed box. There was, indeed, no penalty on the voter for telling his vote, but every officer, clerk, and agent in attendance at a polling-station, who should communicate at any time, to any person, any information obtained in a polling-station as to the candidate for whom any voter in such station was about to vote, or had voted, would be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour. He felt ashamed that such a proposition should have come up from the other House. Surely it was a degradation to which the country would never submit. As to the allegation that every adult man in England had the right of voting, it was allowed by Mr. Gladstone himself not to be an accurate statement, and he rebuked Mr. Disraeli for supposing that every man who married had the right of voting. He must, in addition, point out that our whole progress for the last century and a-half had been in favour of publicity. There was a time when the proceedings of Parliament were published under the disguise of "Debates in the Senate of Lilliput," and the notes of the speeches were prefixed by fictitious names. He remembered, in his own time, seeing the Serjeant-at-Arms bring before the House a man whom he found taking notes in the Gallery. Since that time, we had gone on introducing more and more publicity in the transaction of public affairs. The debates in Parliament were reported day by day, under the real names of the speakers, and were openly discussed the next morning in the journals throughout the kingdom. The proceedings of the Courts of Law were public, and the man who was called upon to give evidence in a Court of Law was not allowed the shelter of secrecy even where—as was too often the case in Ireland—his giving evidence might be attended with risk to his life. No exemptions were made—all questions affecting life and property were decided in public. Yet it was now proposed that if a man came to the polling-booth and said—"I wish to vote for Lord Enfield," so essential was secrecy in the performance of public duty, that the open declaration of a man's wish and opinion by an officer in the polling-booth was declared to be a disgrace and a crime. We declared that publicity must be the rule of our Law Courts whatever the consequences. In one of our Courts, presided over by a Member of that House, cases arose of which the publicity was injurious to morality, and offensive to decency:—nevertheless, no exception was made. Proposals had been made that in the Divorce Court the proceedings might be taken in secrecy, if the Judge should think fit; but no—the noble and learned Lord who presided over that Court approved publicity; and by means of that publicity all persons might read the details of these trials in the public journals. At whatever cost, the law must be administered in public:—but when you came to the election of the law-givers—secrecy was so essential in the performance of this form of public duty —the vote must be so entirely in the bosom of the voter—that it was impossible that publicity could be allowed—the vote must be given in secret. The man who was in office in the booth, and heard a person say — "I vote for Lord Enfield," or "I vote for Lord George Hamilton," was liable to six months' imprisonment. This was simply monstrous. The people of England had for hundreds of years been free to go to the poll and say—"I vote for such and such a man because I look upon him as the most fit." But this was no longer to be allowed—secrecy, not freedom of voting, was henceforth to be the rule. He would not go into the question of the ulterior results of secret voting, but he did not believe it would long stand alone. Probably it would lead in no very long time to universal suffrage. He could not forbear from quoting the language of the Administration of Earl Grey in reference to the great plans for Parliamentary Reform they had laid before Parliament. In 1831 there appeared the following passage in the Speech from the Throne:—

> "I have availed myself of the earliest opportunity of resorting to your advice and assistance after the dissolution of the late Parliament. Having had recourse to that measure for the purpose of ascertaining the sense of my people on the expediency of a reform in the representation, I have now to recommend that important question to your earliest and most attentive consideration, confident that in any measures which you may prepare for its adjustment, you will carefully adhere to the acknowledged principles of the Constitution, by which the prerogative of the Crown, the authority of both Houses of Parliament, and the rights and liberties of the people are equally secured."

That was firm and clear language. No such language was heard in these days—on the contrary, when a question arose affecting the hereditary rights of their Lordships, the Prime Minister said—"He would think once, twice, or thrice before touching such a question." That, however, was not the course adopted by the people of England upon a recent occasion. When the people of England found that the life of the Heir to the Throne was in peril, they did not think thrice, or twice, or even once; but by one unanimous voice, as if impelled by instinct, in supplication for the Heir to the Throne, they put up prayers to Heaven for his recovery. It was not by measures of this kind, but feelings such as those which animated the whole people during that crisis — and which he trusted would ever be the sentiment of the people of England — that the Constitution could be preserved, and the rights and liberties of the people secured.

LORD PENZANCE said, he was extremely glad that he had sat down at the instance of the noble Earl (Earl Russell), because all which fell from him was listened to with the respect and attention which his great political experience deserved; but he would not attempt to follow him—they were not discussing the general principle of the Bill, to which question the noble Earl's remarks formed a valuable contribution; but he would trouble their Lordships for a very few minutes upon a question to which the Amendment under discussion gave rise. The Amendment was to omit the word "secretly," and the noble Duke said the effect of that Amendment would be to substitute optional open voting for compulsory secret voting. Now, no doubt, great benefits resulted from open voting. Many thought that each voter should declare openly who he voted for, and have his vote recorded by the election officer in such a manner that the whole community knew how the vote was given; and others thought great benefits would result from secret voting. But to be beneficial the voting must be entirely open or completely secret. The great advantages followed from open voting in such a manner that all the voter's great merit of open voting was that it brought to bear upon each individual the opinion of the community. But if the clause were allowed to stand as was proposed by the noble Duke, the voter would go to the poll and would mark the voting paper, and having folded it up would put it into the ballot-box. No human being would from that time know for certain how he had voted except the person to whom he had shown it before putting it into the box. That could not be called open voting. It might be said that if it were shown to one person all the world would know; and he recollected a legal joke, that if "tell one woman" were substituted for "know all men," all the world would soon be made acquainted with the matter. But publicity was not certain with optional secrecy — especially in the case of bribery. Suppose a man who had always voted "yellow" thought he would try "blue" for a consideration, he would fill up his paper blue, and having shown it to the man who was to bribe him would put it in the box, thereby covering his treason from all his friends and acquaintances. Surely a system which allowed that combined the evils of both secret and open voting? It was open when it ought to be secret, and it was secret when it ought to be open. It was open when it ought to be secret, because it enabled a man to show his vote; and it was secret when it should be open, because it prevented the community from knowing what the voter had done. It seemed to him that such a system should not be placed in the hands of the country, because it allowed bribery to be committed with the greatest ease and secrecy. Although he had never been a staunch voter for the Ballot, and although the noble Earl (Earl Russell) had fired a shot at him by way of anticipation of a personal nature, yet he would not delay the House by going into the main question, and would be contented with the expression of a hope that the voting should be either secret or open, and not such a system as would combine the evils of both systems.

The Earl of HARROWBY said, that he thought justice had not been done to the proposal for optional voting which had been adopted by the House. He had no favour toward the Ballot system, compulsory or optional. In any form it was a shabby system, unworthy of a free people, an attempt to lower down the institutions to the habits, instead of raising the habits of the people to their institutions. But the proposal for an optional Ballot was not a mockery. There were, perhaps, three classes most exposed to the influence of undue pressure or intimidation, and they might all, if they wished it, adopt an optional Ballot for their protection. Take the workmen employed in numbers in great manufacturing shops—and of whom it was said that, under a system of open voting, they were much exposed to pressure from their employers. With an optional Ballot, why should not they agree among themselves, in a mass to adopt the protection offered by Parliament, and tell their employers that they had agreed among themselves to do so; and what fear of their employers would they entertain? The same as to tradesmen. Why should not the tradesmen of Oxford Street, or Bond Street, who were often said to be tormented by their lady customers, proclaim that they, as a body, intended to ask the same protection? Who could quarrel with them? Even by the tenants or extensive landed estates, why should not the same principle of associated action be adopted? They would be quite safe, no landlord would quarrel with a tenantry if they came to the same conclusion. In that way classes might protect themselves, if they thought fit, without altering the whole character of our elections, and imposing secrecy upon all, where it was not desired, for the benefit of the few.

At this point of the debate there were loud cries for a division.

Earl GRANVILLE: My Lords, I can hardly help thinking that this clamour for an early division shows that your Lordships can scarcely be aware of the gravity of the decision you are about to arrive at. I have listened attentively to the speeches of the noble Lords who have taken part in this debate, and, with the exception of a noble Relative of my own who has just sat down, I have not heard one single word in favour of the Amendment to which your Lordships are now asked to adhere. The noble Duke opposite—adopting a habit which I think is not a very good one—referring to some remarks of Mr. Gladstone without having any authoritative version of the words, quoted a sentence which divorced from its context might seem to imply that Mr. Gladstone had spoken sneeringly of your Lordships' House. The only passage in Mr. Gladstone's speech that I remember as affording the slightest foundation for such a statement was a remark which he made as to the shortness of the time in which your Lordships had destroyed and disfigured a Bill which had been so carefully considered by the House of Commons. I remember perfectly well how we were told last year that we could not consider the principle of the Ballot, because it was impossible to find time to discuss a subject which, although it had been for 40 years before the public and the House of Commons was a novelty to the House of Lords; and I remember that one noble Lord, speaking with an earnestness and sincerity which we all appreciate, said that, on the best calculation, it would take three weeks or a month to pass it through Committee. Well, what was the result? Your Lordships found yourselves prepared to deal very summarily with the measure, and finished in one short evening what had occupied so much attention in the other House, I do not think that such an observation as that made by Mr. Gladstone upon this circumstance can fairly be described as a sneer upon your Lordships' House. Now, my Lords, I repeat that I have not heard a single argument in favour of the course you are now asked to take, except from the noble Earl who has just sat down (the Earl of Harrowby). I have not heard the slightest answer attempted to the speech of the noble Earl on the cross-benches (Earl Grey), who urged reasons of the greatest importance why your Lordships should consider—and deeply consider—the course to be taken to-night; nor have I heard the slightest answer attempted to the speech of the noble Duke, who gave what I believe to be sound advice, and who is not a friend of the Ballot any more than the noble Earl to whom I have alluded. I cannot conceive that your Lordships are going to put yourselves in deliberate opposition to the decision of the House of Commons in this matter, and on a great question which, important as it is to us as well as to the general public, in a particular degree affects the procedure adopted at elections for the other House of Parliament. The noble Earl (Earl Russell) made an excellent speech on the subject of the Ballot, but a speech which would have been an excellent one against the second reading of the Ballot, for it did not contain a word in favour of the Amendment for which we are now asked to vote. The statements made by the noble Earl were not in every respect accurate, for the colony of Victoria, where he says there is no Ballot, has not only a Ballot but the very form of Ballot provided in this Bill. Adopting the *laudator temporis acti* tone, he appealed to the example of the late Lord Grey in that great historical question upon which a majority of your Lordships were opposed to his views, but the inference to be drawn from what passed at that time appeared to me to be in great opposition to the views which he recommended at present to your Lordships. It is far frommy wish, however, to enter into any argument either for or against the Ballot, for upon the second reading your Lordships have already decided in favour of the Bill. I have not heard one reason assigned to-night for this curious admixture of secret and open voting, which would engraft the most aggravated disadvantages of the one system upon the other. I will only add one word about the feeling of the country on this subject. I doubt whether it is in consonance with real Conservative feeling that this House should sanction the doctrine that large majorities in the House of Commons are not the exponents of the public feeling of this country. I cannot help thinking that in adopting such a doctrine your Lordships will be setting an example to others who feel disposed to deny the authority of the House of Commons. Moreover, I entirely repudiate the notion that the House of Commons does not represent the popular feeling on any given question, because that question does not happen to be the one important cry at the General Election. I entirely differ from the opinion that there is any degeneracy in the House of Commons of the present day; but it is certainly, if anything, a little too much inclined to act and vote according to the present feeling of the constituents it represents; but taking that criterion it affords unmistakable proof that the large majorities in favour of the Ballot were not arrived at without communication with its constituents, and without a full knowledge of their feelings on this subject. I do not presume to dictate to your Lordships, or to offer advice as to the wisest course your Lordships should adopt; but I must say that I can hardly conceive that, on the plea that your Lordships' House ought not to be a mere copying machine of the House of Commons, your Lordships can be prepared to take your stand on a great question of this kind, unless your ground is much firmer than I believe it to be in this instance.

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Malmesbury, E.
Manvers, E.
Mount Edgcumbe, E.
Orford, E.
Poulett, E.
Russell, E.
Sandwich, E.
Selkirk, E.
Shrewsbury, E.
Stanhope, E.
Stradbroke, E.
Strange, E. (*D. Athol.*)
Tankerville, E.
Verulam, E.
Westmorland, E.
Wicklow, E.
Wilton, E.

Bangor, V.
Combermere, V.
De Vesci, V.
Exmouth, V.
Gough, V.
Hardinge, V.
Hawarden, V. [*Teller.*]
Hill, V.
Melville, V.
Sidmouth, V.
Strathallan, V.
Templetown, V.

Gloucester and Bristol, Bp.
Rochester, Bp.

Abinger, L.
Arundell of Wardour, L.
Aveland, L.
Bagot, L.
Bateman, L.
Blantyre, L.
Boston, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Buckhurst, L.
Cairns, L.
Chaworth, L. (*E. Meath.*)
Chelmsford, L.
Clanbrassill, L. (*E. Roden.*)
Clinton, L.
Colchester, L.
Colonsay, L.
Colville of Culross, L.
Conyers, L.
De L'Isle and Dudley, L.
Denman, L.
De Ros, L.
De Saumarez, L.
Digby, L.
Dunsany, L.
Egerton, L.
Ellenborough, L.
Fisherwick, L. (*M. Donegal.*)
Fitzwalter, L.
Gage, L. (*V. Gage.*)
Gormanston, L. (*V. Gormanston.*)
Grantley, L.
Hartismere, L. (*L. Henniker.*)
Headley, L.
Hopetoun, L. (*E. Hopetoun.*)
Howard de Walden, L.
Hylton, L.
Kenlis, L. (*M. Headfort.*)
Kesteven, L.
Leconfield, L.
Lilford, L.
Lovel and Holland, L. (*E. Egmont.*)
Moore, L. (*M. Drogheda.*)
Northwick, L.
O'Neill, L.
Oranmore and Browne, L.
Oriel, L. (*V. Massereene.*)
Ormathwaite, L.
Ormonde, L. (*M. Ormonde.*)
Raglan, L.
Ranfurly, L. (*E. Ranfurly.*)
Ravensworth, L.
Redesdale, L.
Rivers, L.
Ross, L. (*E. Glasgow.*)
Saltoun, L.
Sheffield, L. (*E. Sheffield.*)
Sherborne, L.
Sinclair, L.
Skelmersdale, L. [*Teller.*]
Sondes, L.
St. John of Bletso, L.
Strathnairn, L.
Talbot de Malahide, L.
Templemore, L.
Thurlow, L.
Tyrone, L. (*M. Waterford.*)
Wemyss, L. (*E. Wemyss.*)
Wigan, L. (*E. Crawford and Balcarres.*)
Wynford, L.
Zouche of Haryngworth, L.

NOT-CONTENTS.

Hatherley, L. (*L. Chancellor.*)
York, Archp.

Devonshire, D.
Manchester, D.
Northumberland, D.
Saint Albans, D. [*Teller.*]
Somerset, D.
Sutherland, D.

Ailesbury, M.
Anglesey, M.
Lansdowne, M.
Ripon, M.
Townshend, M.
Westminster, M.

Abingdon, E.
Airlie, E.
Albemarle, E.
Camperdown, E.
Cawdor, E.
Chichester, E.
Clarendon, E.
Cottenham, E.
Cowper, E.
Craven, E.
De La Warr, E.
Devon, E.
Durham, E.
Effingham, E.
Ellesmere, E.
Essex, E.
Fitzwilliam, E.
Fortescue, E.
Granville, E.
Grey, E.
Ilchester, E.
Jersey, E.
Kimberley, E.
Leicester, E.
Lovelace, E.
Minto, E.
Morley, E.
Nelson, E.
Portsmouth, E.
Powis, E.
Saint Germans, E.
Sommers, E.
Spencer, E.
Suffolk and Berkshire, E.

Eversley, V.
Falmouth, V.
Halifax, V.
Hood, V.
Leinster, V. (*D. Leinster.*)
Lifford, V.
Ossington, V.
Powerscourt, V.
Sydney, V.
Torrington, V.

Chichester, Bp.
London, Bp.
Manchester, Bp.
Oxford, Bp.

Abercromby, L.
Acton, L.
Annaly, L.
Balinhard, L. (*E. Southesk.*)
Beaumont, L.
Belper, L.
Blachford, L.
Boyle, L. (*E. Cork and Orrery.*) [*Teller.*]
Brougham and Vaux, L.
Calthorpe, L.
Camoys, L.
Carew, L.
Carrington, L.
Castletown, L.
Charlemont, L. (*E. Charlemont.*)
Chesham, L.
Churchill, L.
Clermont, L.
Clifford of Chudleigh, L.
Clifton, L. (*E. Darnley.*)
Congleton, L.
Crewe, L.
Dacre, L.
De Mauley, L.
Dinevor, L.
Dormer, L.
Dunning, L. (*L. Rollo.*)
Ebury, L.
Eliot, L.
Fitzhardinge, L.
Foley, L.
Gardner, L.
Granard, L. (*E. Granard.*)
Greville, L.
Gwydir, L.
Hare, L. (*E. Listowel.*)
Hastings, L.
Hatherton, L.
Heytesbury, L.
Houghton, L.
Howard of Glossop, L.
Kenmare, L. (*E. Kenmare.*)
Kenry, L. (*E. Dunraven and Mount-Earl.*)
Ker, L. (*M. Lothian.*)
Kildare, L. (*M. Kildare.*)
Lawrence, L.
Leigh, L.
Lisgar, L.
Lismore, L. (*V. Lismore.*)
Londesborough, L.
Lurgan, L.
Lyttelton, L.
Lytton, L.
Meldrum, L. (*M. Huntly.*)
Meredyth, L. (*L. Athlumney.*)
Methuen, L.
Minster, L. (*M. Conyngham.*)
Monck, L. (*V. Monck.*)
Monson, L.
Mont Eagle, L. (*M. Sligo.*)
Monteagle of Brandon, L.
Mostyn, L.
O'Hagan, L.
Panmure, L. (*E. Dalhousie.*)
Penzance, L.
Petre, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*)
Portman, L.
Ribblesdale, L.
Robartes, L.
Romilly, L.
Rosebery, L. (*E. Rosebery.*)
Rossie, L. (*L. Kinnaird.*)
Saltersford, L. (*E. Courtown.*)

Sandhurst, L.
Saye and Sele, L.
Seaton, L.
Sefton, L. (*E. Sefton.*)
Silchester, L. (*E. Longford.*)
Stanley of Alderley, L.
Stratheden, L.
Sudeley, L.
Suffield, L.
Sundridge, L. (*D. Argyll.*)
Truro, L.
Vaux of Harrowden, L.
Vernon, L.
Vivian, L.
Wenlock, L.
Westbury, L.
Wharncliffe, L.
Wolverton, L.
Worlingham, L. (*E. Gosford.*)
Wrottesley, L.

The Marquess of RIPON said, he supposed the noble Duke (the Duke of Richmond) would not, after that expression of their Lordships' opinion, object to the other Amendments to the clause being inserted.

The Duke of RICHMOND agreed that, after the division which had been just taken, the proper course would be for their Lordships not to insist on their Amendments, but to agree with the Commons' Amendments in the rest of Clause 2.

Then several Amendments *not insisted on;* and Commons Amendment *agreed to.*

The Marquess of RIPON moved that their Lordships do not insist on their Amendment to Clause 3, relating to the property in the voting papers being vested in the Returning Officers.

Lord CAIRNS said, the House of Commons had made the appropriation of documents a much more serious offence when committed by the Returning Officer than it was when committed by an inferior officer at the election. As, however, the property was vested in the Returning Officer, it would be impossible to convict him.

On Question? *Resolved* not to insist.

The Marquess of RIPON moved that their Lordships do not insist on the Amendment they had made in Clause 6, with reference to the use of schools as polling-places.

The Duke of MARLBOROUGH strongly objected to their Lordships abandoning this Amendment. He thought it was unjust that schools should be seized for the purposes of elections.

The Archbishop of YORK said, it was a great public convenience that additional polling-places should be provided at very little expense; but he wished to point out to the noble Marquess (the Marquess of Ripon) that while the clause provided compensation for any damage done to the school rooms, no compensation was provided for the loss the managers might suffer through an interruption of the attendance of the scholars. He hoped the noble Marquess would take care that the Bill should be amended in that respect.

The Marquess of SALISBURY supported the view of the most rev. Primate.

Earl GREY said, the use of schoolrooms one day in three day or four years would cause very little damage to the managers of schools.

The Duke of RICHMOND differed entirely from the noble Earl (Earl Grey) when he stated that schoolrooms would be occupied only one day for these purposes. As he understood, a schoolroom was to be converted into a polling booth, and, if there was to be secret voting, compartments for that purpose must be built. They could not be built on the day on which the polling was to be taken; and another day would be required for pulling them down. As to the attendance at school, if it was known that there was to be a broken week not a single child would go to school that week. Compensation, therefore, ought to be made to the managers of these schools for the damage they might sustain in respect of fees and grants.

The Duke of CLEVELAND supported these arguments.

Lord DUNSANY said, the clause as it now stood would apply to every part of a school-house, even to the bed-rooms.

Lord DENMAN objected to schools being invaded for election purposes.

On Question? *Resolved* not to insist.

The Marquess of SALISBURY moved, in Clause 6, page 5, line 30, after ("expense") to insert ("and make good any loss of fees or Parliamentary grant").

The Marquess of RIPON urged the difficulty there would be in ascertaining any loss from the use of the schools. There were other holidays, and the grant might be lost through other causes.

The Duke of MARLBOROUGH said, the clause as it stood would induce the owners of schools now receiving the Parliamentary grant to forego that grant in order to prevent the use of them for this purpose. The parishioners would thus be put to the expense of building schools.

The Marquess of SALISBURY offered to withdraw his Amendment if the Government would undertake to take care in the Parliamentary grant that schools were not damnified by the proposed use of them. That would be a fair compromise.

THE MARQUESS OF RIPON said, he could only undertake to submit the question to his Colleagues on the Committee of Council. He would remind their Lordships that the privileges of the other House would be infringed by any Amendment which would impose a charge on the public Revenue.

On Question? Their Lordships *divided:*—Contents 117; Not-Contents 67: Majority 50.

Resolved in the *Affirmative.*

Clause 24 (Commons Amendments to Lords Amendments) *considered* and *agreed to.*

Clause 25.

THE MARQUESS OF RIPON moved that their Lordships do agree to the Amendment made by the Commons omitting Clause 25. In consequence of the acceptance of the system under which scrutinies were to be had, the clause had become unnecessary.

LORD CAIRNS pointed out that when a clause had been agreed to by both Houses, it could not afterwards be struck out of a Bill.

THE DUKE OF RICHMOND said, he was afraid that if their Lordships were to assent to this clause being struck out they would be setting a very dangerous precedent.

EARL GREY also thought that neither of the two Houses of Parliament had the power now to strike out the clause.

THE MARQUESS OF SALISBURY thought it was so; but regretted that the measure could not be put into proper form before it was placed upon the statute book.

THE LORD CHANCELLOR thought that as the clause had been rendered unnecessary by other Amendments which had been introduced in the Bill, their Lordships could strike it out.

Clause 33.

THE MARQUESS OF RIPON said, they had now come to the last Amendment of any consequence made by their Lordships to this Bill and to which the Commons had disagreed—the Amendment moved by the noble Earl opposite (Earl Beauchamp), the effect of which was to render the Bill a temporary measure, terminating in 1880. That was a most unusual course of proceeding. The other House disagreed with it, and he concurred in their decision, inasmuch as it would be better to leave Parliament free to consider the question of the Ballot whenever, in their judgment, the period arrived for doing so; whereas if this Amendment were put in the Bill, they might be compelled to deal with the question at a time least convenient to them and the country.

Moved, not to insist on the Amendment made by the Lords at the end of Clause 33 to which the Commons disagree.

EARL BEAUCHAMP said, that what had occurred within the very last few minutes supplied a strong argument in favour of the revision of this Bill by Parliament at no distant date. The remarks of the noble Earl the Foreign Secretary in commenting upon the speech of the noble Earl on the cross-bench (Earl Grey) had strengthened the case in favour of that Amendment. The noble Earl on the cross-bench rested his whole argument against the optional Ballot, on the ground that he was in favour of the Amendment now under discussion; and that Amendment ought to receive the support of the noble Earl the Foreign Secretary, since he had so much commended the speech of the noble Earl on the cross-bench. In their Reasons for disagreeing with that Amendment the Commons urged that it affected the constitution and the privileges of their House, and that it was neither expedient nor according to precedent that a measure to which they had given such attention should be made temporary. He had every respect for precedent; but thought it the height of superstition to invoke the chimera of precedent when, as in this case, it did not really apply. Moreover, it did not lie in the mouths of those who were imposing on the people of this country a measure so novel in its character as a secret Ballot that that particular provision was without precedent. Again, there was not a single word in the Bill which affected the constitution or the privileges of the House of Commons. What it really affected was the manners and habits of the people of this country;

and their Lordships ought to take efficient security that the Bill should receive adequate consideration when it had been tested by the light of experience. He must therefore ask their Lordships to insist on that Amendment.

On Question, Whether to insist? Their Lordships *divided:*—Contents 117, Not-Contents 58: Majority 59.

Resolved in the *Affirmative.*

Page 24, lines 25 and 26, *moved* to insist on the Amendment made by the Lords to which the Commons disagree.

The Marquess of RIPON proposed that the House do not insist on the Amendment.

Lord CAIRNS said, he could not understand what object would be served by any man making a false declaration before the presiding officer, and certainly no reason could be assigned in support of the presumption that the voter would make a true declaration before a magistrate, and a false one before a Returning Officer. Unless the voter were permitted to make the declaration before the Returning Officer a working man would be compelled to lose half-a-day in making his declaration, besides another half-day in voting. He trusted their Lordships would not allow the Commons to make that a disfranchising Bill.

On Question, Whether to insist? Their Lordships *divided:*—Contents 88; Not-Contents 57: Majority 31.

Resolved in the *Affirmative.*

Several amendments *insisted on;* several *not insisted on;* and Commons' amendments *agreed to;* and a Committee appointed to prepare reasons to be offered to the Commons for the Lords insisting on the said amendments: The Committee to meet *forthwith:* Report from the Committee of the reasons; read, and *agreed to;* and a message sent to the Commons to return the said Bill, with amendments and reasons.

SUMMARY JURISDICTION BILL [H.L.]

A Bill to amend and facilitate the application of the Law relating to Courts of Summary Jurisdiction—Was *presented* by The Lord Chancellor; read 1ª. (No. 200.)

House adjourned at half past Nine o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, 8th July, 1872.

MINUTES.]—Supply—*considered in Committee* —Civil Service Estimates—r.p.

Postponed Resolution (Houses of Parliament, Buildings) [reported 4th July] *considered,* and *agreed to.*

Resolutions [July 5] *reported.*

Public Bills—*Ordered—First Reading*—Grand Juries (Middlesex)* [235]; Basses Lights (Ceylon)* [234].

First Reading—Bankruptcy (Ireland) Amendment* [227]; Debtors (Ireland)* [228].

Second Reading—Merchant Shipping and Passenger Acts Amendment* [216]; Metropolitan Tramways Provisional Orders Suspension* [219].

Report of Select Committee—Pawnbrokers* [No. 288].

Committee—Report—Railways Provisional Certificate Confirmation (*re-comm.*)* [192]; Municipal Officers Superannuation (*re-comm.*)* [154]—r.p.

Report—Victoria Park* [201-232]; Pawnbrokers* [173-233].

Third Reading—Pier and Harbour Orders Confirmation (No. 3)* [171]; Drainage and Improvement of Lands (Ireland) Supplemental (No. 2)* [218]; Baptismal Fees* [209], and *passed.*

Withdrawn—Admiralty and War Office Rebuilding* [200].

IRELAND—GALWAY ELECTION INQUIRY —MR. JUSTICE KEOGH.

QUESTION.

Sir THOMAS BATESON: I wish, Sir, to ask the First Lord of the Treasury, Whether he is aware that the Irish Government annually takes stringent measures to prevent the burning of the effigy of "the traitor Lundy" at Derry, and, in order thereto, periodically moves to that city, at the expense of the nation, large forces of military and constabulary; and that since the recent decision on the county Galway Election Petition, the effigy of Mr. Justice Keogh has been publicly burned at various places in the cities and counties of Dublin, Cork, Wexford, Waterford, Drogheda, and in particular at Derry, without any active attempt by the Government, or police force under their orders, to obstruct the same; whether he is prepared to extend to the effigy of Judge Keogh the same protection which has been afforded to the Lundy effigy; and, whether, at this late period, he will take proper steps to protect this learned Judge from further insult and outrage, in order to maintain the dignity and independence of the judicial bench?

Mr. GLADSTONE: Sir, I will proceed to answer the very effective speech of my hon. Friend, which, I may remark, being framed in the form of a Question, he has had the opportunity of delivering twice in this House. My hon. Friend is rather imperfect in his information upon the case. He supposes that some special measures have been taken to prevent the burning of the effigy of Lundy; but no special measures have been taken. Whatever has been done in the matter of the effigy of Lundy has been done upon sworn information sent to the Government beforehand, and setting forth the probability of acts dangerous to the public peace; and the object of the Government has not been to afford any protection or do any honour to the memory of Lundy, but simply to preserve the public peace, which I presume my hon. Friend thinks an object deserving the attention of the Government, though I am not quite sure of that, having regard to the terms of his Question. ["Oh!"] However that may be, I am informed there has been no attempt to burn the effigy of Mr. Justice Keogh, in the place where the effigy of Lundy is burnt.

Sir THOMAS BATESON: The effigy of Mr. Justice Keogh was publicly burnt in the city of Derry.

Mr. GLADSTONE: I am told not. I do not know my hon. Friend's source of information; but if he will supply the Government with any details they shall be investigated. No information has been sent to the Government of any apprehended dangers to the public peace arising out of the burning of the effigy of Mr. Justice Keogh, nor has there been any warning to the Government of such disturbances; but the Government have themselves, as my hon. Friend ought to know, used every exertion for the purpose of preventing these acts, have instituted proceedings against various persons concerned in them, have in many cases procured their punishment, and have at this moment, several prosecutions pending against other persons for acts of this nature. The Government have taken these steps, acting upon the best information they could obtain, though never having the advantage which they enjoy with regard to anniversary observances, such as those of Derry—that of obtaining before hand the sworn testimony of inhabitants as to an apprehended breach of the peace. That is the answer I have to give to my hon. Friend. But the Government have all along used efforts to preserve the peace, and to prevent outrage of any kind in connection with this painful matter. As to the last part of the Question—whether, "even at this late period," Her Majesty's Government will take measures "to maintain the dignity and independence of the judicial bench"—I decline to answer such a Question. If my hon. Friend has a charge to make against us, let him pluck up his courage and bring his charge, and not merely frame a Question embodying it; but let him not frame a Question in a form that implies that the Government have been remiss in their duty; for, at all events, if he does, he will obtain from me no answer.

Sir THOMAS BATESON: Then, Sir, to accommodate the right hon. Gentleman, I beg to give Notice that to-morrow I will move for a Return of the number of places, if any, where the police were successful in preventing the learned Judge being burnt in effigy, this Return not to include the two occasions upon which the rabble, assisted by the Militia, are reported to have vanquished the police.

Mr. GLADSTONE: Perhaps, if my hon. Friend desires further information, he will also move for a Return of the number of persons who have been punished for taking part in those proceedings, or who are now under prosecution. I can assure him I shall have no objection to furnish it.

POST OFFICE—TELEGRAPH CLERKS.

QUESTION.

Mr. SYNAN asked the Secretary to the Treasury, Whether the classification of Telegraph Clerks has been as yet approved of by the Treasury, and when it is likely to be issued; and, whether clerks are not leaving the service in consequence of its being so long delayed?

Mr. BAXTER: Sir, the Report of the Post Office on the proposed Telegraphic Establishment, including the classification of clerks, is a document of a voluminous and intricate character, extending to 260 closely-printed folio pages, and dealing with a variety of questions which require the most careful consideration. It was only received at the Treasury in the course of last month, so that there has been no long delay; but I hope that we may arrive at a decision in the matter before the end of this month. Out of between 5,000 and 6,000 clerks, only 20 have left the service for all causes during the year.

IRISH CHURCH ACT—INCOME TAX ON COMMUTATIONS.

QUESTION.

MR. PIM asked the Chief Secretary for Ireland, Whether his attention has been called to the refusal of the Commissioners under the Irish Church Act to allow the usual deduction for Income Tax off the payments of the annual instalments of tithe rent-charge when converted into an annuity for fifty-two years, under the thirty-second section of the Church Act, notwithstanding that this section states that the payment of these instalments "shall be subject to the same charges, if any, as the rent-charge in lieu of tithes heretofore payable out of the same lands;" whether he does not consider that this House, when passing the Church Act, understood the charge for Income Tax to be one of the "charges" referred to in this section; and, whether, if the present law justifies the Commissioners in their refusal to allow the deduction for Income Tax, he is prepared to propose such legislation as will afford the relief which the circumstances require?

THE MARQUESS OF HARTINGTON said, the Commissioners under the Irish Church Act had fully considered the possibility of allowing deductions for income tax to be made from the payments of the annual instalments of tithe rent-charge when converted into an annuity for 52 years, and they had come to the conclusion, in the absence of any special legislation, that they would not be justified in making any such deductions, inasmuch as the annual instalments included interest and repayment of the principal. The subject, however, had been under the consideration of the Church Commissioners and of the Government, with reference to the Bill which would shortly be introduced to further amend the Irish Church Act; but until that Bill was introduced, he did not feel justfied in stating how it was intended to deal with this or other matters.

INLAND REVENUE—CARRIAGE DUTY.

QUESTION.

MR. F. MONCKTON asked Mr. Chancellor of the Exchequer, If his attention has been called to a recent decision of magistrates in Lancashire, whereby a farmer residing at Mellor, near Blackburn, was fined £5 for evasion of horse duty, the said evasion being held to consist in the gratuitous driving home of four friends from market; and, whether such decision be in accordance with the spirit and intention of the Act; and, if not, what steps he is prepared to take to remove the uncertainty that exists as to the liability to duty of farm horses occasionally and gratuitously used for purposes not strictly agricultural?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I cannot say that the decision is against the letter of the Act, but it has always been my opinion that where the Inland Revenue Department are satisfied these services were really gratuitous — the burden of proof lying upon the persons who carried them—it is better that such prosecutions should not be instituted. I do not think there is any case for altering the Act, but I will communicate with the Inland Revenue Department and endeavour still further to mitigate the penalty inflicted in the case under notice.

ARMY—THE MILITIA.—QUESTION.

COLONEL PARKER asked the Secretary of State for War, now that the training of Militia Regiments for the year is at an end, What has been the character of the Reports of those Officers who have inspected them?

MR. CARDWELL: I have referred this Question to the Inspector General of the Auxiliary Forces, who authorizes me to reply as follows:—the character of the Reports already received — namely, 48—are satisfactory—many of them extremely so — showing, although they were satisfactory last year, a considerable improvement to which the exceptions are few. The Inspection Reports show that inspecting officers have examined minutely and carefully into the drill of officers and men, reporting upon the efficiency of commanding officers and permanent Staff.

ARMY—THE AUTUMN MANŒUVRES. QUESTION.

Mr. DIMSDALE asked the Secretary of State for War, Whether he is now prepared to state the precise period fixed for the commencement of the Autumn Manœuvres?

Mr. CARDWELL: Sir, the subject has been very fully and carefully considered. The latest information up to this day enables me to say that there is no reason connected either with the harvest, or with the convenience of the Auxiliary Forces who are going to take part in the Manœuvres, why the original date should be altered. The principal question has been that of Wilton Fair, which is held on the 12th of September. This is not quite settled, but as far as I am informed, it appears that if the present arrangements are, adhered to the roads leading to Wilton can be cleared in time to provide for the arrival and departure of the sheep.

METROPOLITAN POLICE—ALLEGED VIOLENCE.—QUESTION.

Mr. EYKYN asked the Secretary of State for the Home Department, If his attention has been drawn to the report of a case brought before the magistrate at Hammersmith Police Court, the statement being that an unfortunate man, after being handcuffed by two constables, was made fast to the stirrup of one of the mounted patrol, who dragged the prisoner along the road and caused him much suffering; and, If such violence is permitted by the rules laid down for the guidance of the police; and, if so, will the Commissioners take such steps as will prevent its recurrence?

Mr. BRUCE, in answer to the first part of the question, said, there was considerable doubt with respect to the charge to which it related, and which was now being investigated by the magistrate. The object of the inquiry was to ascertain the facts of the alleged violence, and, if true, to take steps to prevent its recurrence in future. Considering, he might add, that within the last year there were 3,325 charges of assault on the metropolitan police, while only one such charge was brought against the police, and that broke down, no case had, he thought, been made for the alteration of the rules. He felt bound further to say that he thought his hon. Friend might have waited a little time, and have given the Chief Commissioner credit for doing that which was right. If for every misdeed, or alleged misdeed, of the police in Lancashire, Yorkshire, Devonshire, or Sussex Questions like the present were asked, he feared that a very considerable part of the time of the House of Commons would be taken up.

METROPOLITAN BOARD OF WORKS —THAMES EMBANKMENT.—QUESTION.

Mr. CRAWFORD asked the honourable and gallant Member for Truro, as Chairman of the Metropolitan Board of Works, If he can state for what purpose excavations are now being made on the vacant land of the Thames Embankment contiguous to the Metropolitan District Railway Station at Westminster Bridge; whether it is proposed to erect any building on such site; and, whether the erection of any such building will meet with the approval of the Board of Works?

Colonel HOGG said, he believed the excavations which were being made on the spot mentioned by the hon. Gentleman were for the purpose of erecting a club, which was to be called the St. Stephen's Club. The Metropolitan Board disapproved any erection on the land in question, and they had done all in their power to prevent it. It was their wish that the line of frontage should have been, if possible, so regulated that the view of the Clock Tower should not be intercepted; but the decision of the Board had been overruled on an appeal to the Courts of Law, and they had no alternative but to allow the building in question to proceed.

Mr. CRAWFORD: By whom was the land sold on which the Club was to be erected?

Colonel HOGG said, the land in question belonged to the Metropolitan District Railway, and it was acquired, he believed, in the usual manner by purchase.

Afterwards—

Mr. CRAWFORD asked the hon. Member for Truro, By whom the transfer of land at Westminster Bridge was made to the Metropolitan District Railway Company; what was the value paid for it; and whether the amount went in diminution of the cost of the Thames Embankment?

COLONEL HOGG said, that, as far as he was aware, the Metropolitan District Railway Company purchased the land from a tavern near the spot; but having had no Notice of the Question, he was not quite certain from whom the freehold had been purchased.

ARMY—THE VOLUNTEERS—WAR OFFICE CIRCULAR, 1872.—QUESTION.

MR. H. B. SAMUELSON asked the Secretary of State for War, Whether he has considered that the Volunteers stand upon a different footing from the Regular Army in the time at their disposal for shooting, and that before the issue of the War Office Circular dated May 1872, Volunteer Adjutants were able, with good results, to exercise a discretion in the matter; and whether he will reconsider Clause 34, Section 9, of the above-named Circular, in order, if possible, to insert the words "as far as practicable" after the word "Army" in the third line?

MR. CARDWELL: Sir, no alteration has been made in the discretion exercised by adjutants as to fixing the time of shooting, and therefore it will be unnecessary to alter the Circular. As regards the second Question, I have referred it to the Commandant of the School of Musketry at Hithe.

CRIMINAL LAW—THE DROITWICH MAGISTRATES.—QUESTION.

MR. SHERRIFF asked the Secretary of State for the Home Department, Whether his attention has been directed to a case reported in the "Worcestershire Chronicle" of the 3rd instant, wherein it is stated that a farmer, charged before the magistrates at Droitwich with cruelly beating a boy in bed with a whip till it was destroyed, and afterwards attacking him with a stick, was fined 5*s.* and 40*s.* costs, 5*s.* of which was awarded to the complainant; whether he considers the fine inflicted a sufficient punishment for an assault so aggravated; and, whether he will take any steps in the matter?

MR. BRUCE said, he had received no complaint on the subject, nor had he any information. He would remind his hon. Friend that the duty of the Secretary of State in such cases was confined to advising Her Majesty in the exercise of the Prerogative of mercy. If any complaint were made against a magistrate in the discharge of his duty, the proper recipient of such complaint was the Lord Chancellor.

METROPOLITAN GAS COMPANIES.
QUESTION.

MR. STEPHEN CAVE asked the President of the Board of Trade, Whether Her Majesty's Government contemplate the introduction of any measure for the purpose of extending the provisions of the City of London Gas Act of 1868 to the other Metropolitan Gas Companies?

MR. CHICHESTER FORTESCUE said, that Her Majesty's Government had no present intention of extending the powers conferred by the Gas Act of 1868, and he might remind the right hon. Gentleman that more than one Select Committee since that year conferred powers upon gas companies not in accordance with that Act. By a scheme of amalgamation now being prepared by the Chartered and Western Companies, five out of the thirteen companies would be brought under the operation of the Act.

IRELAND—DUBLIN METROPOLITAN POLICE.—QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, with reference to his answer to Sir John Gray on Friday last, Whether Colonel Lake sanctioned or knew of the placing of the spontaneous protest of some of the force on the table in the inspector's room or elsewhere; and, whether he will be good enough to inform the House of the grounds which have been assigned for the dismissal of John Doyle and James Doyle from the Dublin Metropolitan Police?

THE MARQUESS OF HARTINGTON said, he had the authority of Colonel Lake for stating that he neither sanctioned nor knew of the placing of the spontaneous protest referred to on the table of the inspector's room or elsewhere. In answer to the latter part of the Question, he had to inform the hon. Gentleman that the Chief Commissioner had the power—and it was perfectly well known to every member of the force that he had it—of dismissing any member of it without assigning any cause. The Chief Commissioner had exercised that power in the present instance, and he must decline to state on what grounds he had deemed it right to dismiss John and James Doyle. There were certain other statements which were made in a letter which appeared in a Dublin newspaper—from which he thought the hon. Member had obtained his information—which had reference to a superintendent, and which were false.

ARMY RE-ORGANIZATION—ARMY COMMISSIONS — ENSIGNS AND LIEUTENANTS.—QUESTION.

Lord CLAUD HAMILTON asked the Secretary of State for War, Whether it is the intention of Her Majesty's Government to accord the same privileges to the Officers of the Line who were gazetted as "Ensigns" prior to the date of the Commissions of the Officers of the Guards, whose appointments have now been confirmed?

Mr. CARDWELL: Sir, the officers of the Line who were gazetted as ensigns prior to the date of the officers of the Guards—namely, the 28th of October—have commissions as lieutenants, and will be antedated to the same date as the officers of the Guards, and have precedence of them by virtue of their former commissions. Their number is 834. Those who were gazetted subsequently will be sub-lieutenants, and take their regular place according to the custom of the Service.

IRELAND—THE QUEEN'S COLLEGES. QUESTION.

Mr. SYNAN, for the O'Conor Don, asked the Chief Secretary for Ireland, Whether the Government intend to take any steps to carry out the recommendation of the Committee on Public Accounts, that the Consolidated Fund be relieved from the annual charge of £21,000 for the maintenance of the Queen's Colleges in Ireland, and that the whole of their requirements be made the subject of estimate?

The Marquess of HARTINGTON said, the Government had formed no intention of transferring the charge of £21,000 for the Queen's Colleges in Ireland from the Consolidated Fund to the

Estimates. The Estimates would, he believed, be taken with the ordinary Education Vote, but he could not say on what day.

ARMY—REGULATION BILL—MILITIA STOREHOUSES.—QUESTION.

Mr. HUNT asked the Secretary of State for War, in the event of the Military Forces Localization (Expenses) Bill becoming Law this Session, How soon afterwards will the War Department be prepared to take possession of and to pay for the Militia storehouses at the Depôt Centres?

Mr. CARDWELL: Sir, general officers have been called upon in some cases —and will in all, as soon as the final report shall have been received—to report after inspection by officers of Royal Engineers in what cases it is desirable to take over the storehouses which belong to the counties. These reports will, as soon as the Bili shall have passed, be taken into immediate consideration, and negotiations for purchase will be immediately entered into with reference to those which it is desirable to purchase. The remainder the counties will be at liberty to dispose of.

ADMIRALTY AND WAR OFFICE REBUILDING BILL.—QUESTION.

Mr. CORRY asked the First Commissioner of Works, Whether the evidence before the Committee, to which the Admiralty and War Office Rebuilding Bill is to be referred, is to be restricted to that of persons interested in the private property proposed to be taken, or whether the Committee will also be empowered to consider the plan and the internal arrangements of the New Offices, and to take evidence thereon?

Mr. AYRTON said, that a few days ago he had announced that he deemed it necessary to consult the wishes of the House whether the Bill should pass in its present form. Since that period he had elicited from hon. Members an expression of opinion fatal to the success of the Bill, having regard to the late period of the Session. Indeed, there was no hope of its being discussed with the fullness commensurate with its importance till another year.

ARMY—MEDICAL REGULATIONS.

QUESTION.

MR. TORRENS asked the Secretary of State for War, Whether, notwithstanding the assurance given in this House by his predecessor the Member for Droitwich, it is intended to give retrospective effect to the Medical Regulations for the Army issued in 1866 and 1867, so as to deprive medical officers who had volunteered under the Regulations of 1859 for service on the west coast of Africa, of the pay and promotion guaranteed to them by those Regulations as the inducement to volunteer for that unhealthy and disagreeable service?

MR. CARDWELL: Sir, I am informed by the Director General of the Army Medical Department that there has been no change of practice in dealing with the African medical officers since 1859. The system has always been to allow each year on the Coast to count as two years towards the five years required as a qualification for the rank of surgeon and towards retirement, but not towards increase of pay or the rank of surgeon major.

ARMY—DEPOT CENTRES—OXFORD.

QUESTION.

COLONEL C. LINDSAY asked the Secretary of State for War, Whether Oxford was to be a depôt centre, instead of High Wycombe?

MR. CARDWELL: Sir, General MacDougall informs me that if the Committee shall decide upon recommending Oxford as the depôt centre for the district, it will be with a view of establishing it in the neighbourhood, and not within the city, and that local inquiry will be made to ascertain where a suitable site could be obtained at a moderate cost.

SPAIN—SLAVERY IN CUBA.

QUESTION.

MR. A. JOHNSTON asked the Under Secretary of State for Foreign Affairs, Whether advantage will be taken of the change of Ministry at Madrid to renew the representations of Her Majesty's Government with reference to a fulfilment of the Treaty Obligations of Spain relative to the Slave Population in Cuba?

VISCOUNT ENFIELD: On the formation of the new Government in Spain, Mr. Layard, Her Majesty's Representative at Madrid, brought under the notice of Senor Martos, the Minister for Foreign Affairs, the question of the abolition of slavery, and received assurances on that head of a hopeful character.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £14,483, to complete the sum for Temporary Commissions.

(2.) £2,800, Deep Sea Exploring.

(3.) Motion made, and Question proposed,

> "That a sum, not exceeding £4,133, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Costs incurred by Ex-Governor Eyre in the various Criminal Prosecutions instituted against him."

THE CHANCELLOR OF THE EXCHEQUER said, he thought it right at once to explain under what circumstances it was thought proper to submit this Vote to the Committee. It appeared from the Correspondence which had been laid on the Table, that on the 20th of February, 1868, the late Government undertook, in a letter to Mr. Eyre, to consider the evidence given at his trial, and to see whether that evidence would justify them in making a reasonable payment towards his expenses incurred at that trial. By a letter of the Solicitor to the Treasury, dated the 6th of June, 1868, and written by command of the then Colonial Secretary, the Duke of Buckingham, it was announced to Mr. Eyre that the Government had come to the conclusion that he might send in an account of the expenses he had incurred, with a view to their coming to a decision as to the amount to be paid to him; and in a subsequent letter from the Treasury, the writer of the preceding letter was directed to place himself in communication with Mr. Eyre, for the purpose of ascertaining what amount should be paid him. These circumstances appeared to the present Government to constitute an undertaking on the part of the late Government that they would make a reasonable payment to Mr. Eyre on account of the expenses incurred by him. Under these circumstances, the present Government had to consider what course they ought to pursue, and he apprehended that it was quite clear that, though rival parties succeeded each other in administering the Government, still the Government was one and the same—that was to say, it was the Government of the Queen, and it was necessary that that Government should be carried on continuously, and that the acts of the persons composing the Government should be carried out by their successors, without reference to political feeling. Were it otherwise, it would be impossible to carry on the Public Business, because any person entering into engagements on the assurances or faith of the Government, would always have to decide the question in his own mind whether the Government was likely to continue long in office. Moreover, if that understanding did not prevail, the entering into transactions of any kind would be made very difficult, and the cost of them greatly enhanced. The present Government, consequently, did not feel justified in departing from the practice established as long back as constitutional government began to exist, and they had, therefore, felt it their duty to propose the present Vote.

Mr. BOWRING said, he begged to move the omission of the Vote, although he confessed that it was with regret that he felt himself impelled by a sense of duty to adopt that course. He could at any rate say with truth that he was able to approach the consideration of the question without passion, prepossession, or prejudice. At the time when the Jamaica insurrection took place, and when the terrible circumstances connected with its suppression were agitating—he might almost say convulsing—the country from one end to the other, he was not taking any active part in politics, and he had never expressed any public opinion on the merits of the case, still less was he ever a member of the Jamaica Committee. When he commenced four years ago the canvass of the constituency he had the honour to represent, and when he was asked what he thought of the conduct of Governor Eyre, so entirely did he look upon the subject as even then finally disposed of, that he begged to be excused from going into it. Moreover, he was not one of those hon. Members who addressed strong representations to Her Majesty's Government when, for the first time, at the fag-end of last Session, they placed the Vote upon the Table. He intended in his remarks to confine himself to the questions directly connected with the grant to Mr. Eyre of this particular sum of £4,133 for legal expenses, and he had no objection to offer to the payment to him of the various other sums which the Correspondence laid before the House this Session showed to have been already made. He therefore did not object to his having been paid by the late Government the sum of £300 for his passage money home, even before he applied for it himself; he did not object to his having been allowed by that Government to retain a sum of £200 advanced to him many years previously for a certain journey to England, which circumstances prevented him from undertaking; nor did he object to the late Government paying him £246 for certain furniture purchased by him for Government House, Jamaica, although he understood that that sum, with other items, had previously been disallowed by the Jamaica Assembly. He had nothing to say on the subject of the grant of a retiring pension to Mr. Eyre—a matter frequently referred to in the Correspondence—nor would he offer any remarks respecting his re-employment in the public service, which re-employment, although finally, if somewhat tardily, decided in the negative by Her Majesty's present Advisers, was a question which he thought the correspondence showed plainly enough was likely to receive the favourable consideration of the party of hon. Gentlemen opposite when they returned to office. He also wished to bear testimony to the services rendered by Mr. Eyre to the Crown previous to the assumption by him of the Governorship of Jamaica. He believed him, moreover, to be a man of strict integrity, a gentleman of personal honour and conscientiousness; and he had no doubt that even in these sad Jamaica transactions he was actuated by a sense of what he fancied to be his duty. He (Mr. Bowring) wished to consider to-night what was the nature of the so-called promise made by the late Government to Mr. Eyre to pay his legal expenses, and whether it was accompanied by any conditions which had or had not been fulfilled. He would also ask whether, under the peculiar circumstances of the case, such a promise ought to be considered as binding upon the present Government, and when he used the word "promise" he wished it to be clearly understood that he meant, not a legally binding promise — for of that there was not the slightest trace—but a promise morally or in honour binding. He would then ask whether such promise would in any way bind the free discretion of the House of Commons; and assuming all these points to be disposed of, he would in the last place ask—and this was the most important point of all—whether the merits of the case itself were such as to make it right and proper on the one hand, or even justifiable on the other, for the Committee of Supply to grant to Her Majesty's Government to-night the sum for which they had applied. The hon. Member said that owing to the long time that had elapsed since the occurrences to which his Motion related, it would be necessary that he should lay before the Committee a statement of the facts connected with the Jamaica insurrection and its suppression. The hon. Member then proceeded to narrate from official documents the dreadful history of the outbreak, the outrages perpetrated by the rebels, and the appalling severities with which the insurrection was suppressed and punished. He should scarcely exaggerate, the hon. Member said, if he applied to these transactions the famous words—

> "There ensued a scene of woe the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell."

The island of Jamaica was about the size of Yorkshire: it contained a population of about 450,000, of whom 13,000 or 14,000 were whites, 70,000 or 80,000 mulattos, and the remaining 350,000 negroes. The first disturbances occurred in the parish of St. Thomas-in-the-East—the South East extremity of the island, where there was a riot on the 7th October, 1865, at the town of Morant Bay. The action of the magistrates in restoring order led to the more general outbreak which had been called the insurrection or rebellion, but which practically never extended much beyond its original district. The rebellion was entirely crushed on the 20th October. In his address to the Legislature on the opening of the Assembly on November 8th, Governor Eyre stated that—

> "The rebellion was headed, checked, and hemmed in in three days; within a week it was fairly crushed. So wide-spread a rebellion, so rapidly and so effectually put down, is not, I believe, to be met with in history."

Martial law, however—which had been proclaimed by Governor Eyre at the first intelligence of the outbreak, and which extended over the whole island except the city and parish of Kingston — remained in force for 30 days. The severities which had excited so much indignation extended over the whole period —439 persons (including both men and women) were executed — but of these 114 were put to death before the 20th October, 52 on that day, and 273 on the 25 following days: 600 persons were flogged — many with great barbarity. The hon. Member here read from the Report of the Commissioners reports and letters from officers engaged in suppressing the outbreak which induced the Lord Chief Justice of England to declare, in his famous charge to the grand jury on the trial of Colonel Nelson and Lieutenant Brand, that—

> "This hunting up of rebels by the soldiers, this prolonged martial law, and this fearful amount of execution, these terrible scourgings with instruments of torture hitherto unknown and unheard of, are things which bring a reproach not only upon those who were parties to them, but upon the very name of Englishmen."

But it would doubtless be asked—Did Governor Eyre really make himself responsible for all these terrible proceedings? Unfortunately, the only answer was, Yes! He (Mr. Bowring) had searched in vain for any evidence of his having repudiated or even regretted them. On the contrary, he wrote to the Government on October 20th—"The whole responsibility of what has been done rests with me." In opening the Assembly on November 8th, he spoke in the highest terms of all employed, especially Colonel Nelson, Lieutenant Brand, and Colonel Hobbs. On December 8th, he wrote to the Colonial Secretary as follows:—

> "I do not consider that the punishment has been greater than the crime merited, or than was necessary to prevent a recurrence of it."

And lastly, from the retirement of his country seat, he wrote, in January, 1866, again claiming as a merit the entire responsibility of what had occurred. In this assumption of responsibility for every act of every subordinate we may respect the chivalry of the official chief willing to shield all these subordinates, but we can scarcely recognize in it the humanity of the man, or trace in it the sagacity of the statesman able to grapple with great emergencies. The hon. Member then referred to the appointment—in consequence of the strong feeling that had arisen in England on the subject—of the Royal Commission, in December, 1865. It was composed of the present Surveyor General of Ordnance (Sir Henry Storks), the Recorder of London (Mr. Russell Gurney), and the Recorder of Leeds (Mr. Maule); with Mr. Roundell as Secretary. A more admirable body could not have been found; and the right hon. Member for Buckinghamshire (Mr. Disraeli) had borne them this testimony—that

> "It would be generally admitted that by their acuteness and assiduity these eminent persons had quite justified the confidence placed in them by the Sovereign and the country."

The hon. Member then quoted a summary of the Report of the Royal Commission, and called attention to the fact that the praise given by them to the conduct of Governor Eyre was distinctly confined to the early stages of the insurrection, making their condemnation of his later proceedings still more marked. The justification for the measures taken by him in the first instance was to be found in their immediate and complete success. In one week, from the proclamation of martial law on October 13th, all danger requiring its continuance was at an end, and the insurrection fairly under control. But, on the other hand, the Commissioners strongly condemned the long-continued enforcement of martial law, their concluding finding being that—

> "By the continuance of martial law in its full force to the extreme limit of its statutory operation, the people were deprived for a longer than the necessary period of the great constitutional privileges by which the security of life and property is provided for."

Similarly strong language was used in the debate in that House of July 31st, 1866, by the right hon. Gentleman now Secretary for War, and by the hon. and learned Member for Richmond, and the following Resolution was unanimously agreed to by the House on that occasion, on the Motion of his lamented Friend, Mr. Buxton, after the late Government had unsuccessfully moved the Previous Question—

> "This House deplores the excessive punishments which followed the suppression of the disturbances of October last in the parish of St. Thomas, Jamaica, and especially the unnecessary frequency with which the punishment of death was inflicted."

The sole excuse for this incredible severity was the alleged deep-seated disaffection in Jamaica. But how could that be reconciled with the great prosperity and loyalty of the colony ever since Sir Peter Grant had replaced Mr. Eyre in the Governorship? Sir Henry Storks reported in August, 1866, that "perfect tranquillity prevailed throughout the island of Jamaica," and Sir Peter Grant made a similar statement at the end of 1867, adding that—

> "A state of contentment and willing obedience to the law, in striking contrast with the state of feeling reported to have existed in 1865, has shown itself, not only in an absence of all riotous spirit, but in a great diminution of ordinary crime."

A similar satisfactory state of affairs existed up to the present moment. In consequence of the Report of the Commissioners Mr. Eyre was removed from office. The hon. Member then narrated the case of the execution of George William Gordon. He believed that Governor Eyre was honestly under the mistaken conviction that Mr. Gordon was at the bottom of the insurrection; and it was certain that he at once issued orders for his arrest. Mr. Gordon surrendered himself in Kingston, which was not under martial law, and he was then placed on board ship, and, in direct opposition to the advice of Mr. Westmoreland, a member of the executive committee, Governor Eyre ordered him to be conveyed to Morant Bay, which was under martial law. Mr. Gordon was tried by a court consisting of Lieutenant Brand, another lieutenant, and an ensign. A letter sent to him, suggesting what line of defence he should adopt, was purposely withheld from him by the officer in command. He was not allowed counsel, and the postponement of the trial, which was asked for, for the production of an important witness, was refused. Mr. Gordon was sentenced on evidence which the Lord Chief Justice described as "utterly inconclusive and worthless," and was hanged, with 18 others, on October 23rd. The Commissioners declared that the evidence against Mr. Gordon was wholly insufficient to establish the charge upon which he took his trial; and the Colonial Secretary of the day, Lord Carnarvon, his successor in office under the late Government, the right hon. and learned Member for Southampton (Mr. Russell Gurney), and the Lord Chief Justice had all spoken in the same sense. The Lord Chief Justice in particular used the following noble words on the subject:—

> "No one, I think, who has the faintest idea of what the administration of justice involves, could deem the proceedings on this trial consistent with justice, or, to use a homely phrase, with that fair play which is the right of the commonest criminal. All I can say is that if, on martial law being proclaimed, a man can lawfully be thus tried, condemned, and sacrificed, such a state of things is a scandal and a reproach to the institutions of this great and free country; and, as a minister of justice profoundly imbued with a sense of what is due to the first and greatest of earthly obligations, I enter my solemn and emphatic protest against the lives of men being thus dealt with in the time to come."

These being the facts of the case, was it not natural that the conscience of the country should be deeply stirred, and that a strong desire should be felt to test the legality of acts thus condemned by the Commissioners, two successive Governments, and the House of Commons, and which were only protected by an Act of Indemnity passed by the Jamaica Assembly with the concurrence of Mr. Eyre himself on November 10th, 1865, whilst the panic still continued, martial law still existed, and executions were still in progress? The necessity of such legal proceedings was recognized in the debate of July, 1866, by several speakers, and the late Government again and again declined to defend Mr. Eyre. The Lord Chief Justice employed the following significant words:—

> "If Mr. Gordon had not been put to death, but had been subjected to some minor punishment, some of those scourgings or other things that we have heard of in Jamaica, if he had come to England and had brought an action for damages against Governor Eyre, it may well be that a jury of Englishmen, presided over by an English Judge, would have awarded him exemplary damages for the wrong that had been done him."

He (Mr. Bowring) presumed that in that case no man in his senses would have proposed that the country should pay the cost of Mr. Eyre's defence; and yet because, instead of being merely flogged, Mr. Gordon had been put to death, and a verdict could not be obtained against Mr. Eyre owing to legal technicalities, the public were asked to pay all his legal expenses! The hon. Member then detailed the various proceedings, civil and criminal, instituted against Governor Eyre, and showed that in no single instance had a decision ever been arrived at upon the merits of the case after a full investigation and examination of witnesses on both sides. Coming now to the pecuniary question before the Committee, he quoted an extract from a speech made by the First Lord of the Treasury on August 11th, 1871, to the effect that the Government felt themselves bound by a recorded pledge given to Mr. Eyre by the late Government to pay his legal expenses. He must protest against the doctrine that in such a matter any Government could be held as in any way bound by the promises of its political opponents. The letter from the Colonial Office to Mr. Eyre, dated February 7th, 1867, on which the whole question turned, merely said that the then Government

> "Held themselves free to consider how far the evidence adduced in the course of the proceedings might justify them in re-imbursing him any reasonable expenses which he may have incurred,"

and even this statement was made on Mr. Eyre's complaint of the "enormous expenditure" to which he would be put in defending himself. On June 6th, 1868, the Colonial Office asked Mr. Eyre to send in "for their consideration" a statement of the costs incurred by him, and on June 15th he forwarded a demand amounting to £3,790 14*s*. 8*d*. without any particulars. On July 1st he was requested to supply a detailed account of the costs. This was the last communication that passed between the late Government and Mr. Eyre. The Correspondence between the Colonial Office and the Treasury up to the very last showed that no decision whatever was arrived at by the Treasury as to the payment of the whole or any part of Mr. Eyre's expenses. So little did Mr. Eyre himself consider that any promise had been made to him, that he wrote to the Duke of Buckingham on March 21st, 1868, complaining of

> "Having been left unaided and unsupported by the Government to struggle, as he best could, against misrepresentations and against prosecutions, both civil and criminal, by which he had been assailed."

He (Mr. Bowring) had already shown that one of the conditions on which the late Government undertook to consider the question—namely, that a jury of Mr. Eyre's countrymen should pronounce a verdict on the merits of the case, had never been fulfilled. But what of the other condition—namely, the enormous sum which Mr. Eyre expected to be out of pocket by these trials? The hon. Member here quoted the prospectuses of the "Eyre Defence and Aid Fund" and the "Eyre Testimonial Fund" respectively, and said that he had reason to believe that £13,000 had been raised for the former by public subscription, and £3,000 for the latter. He knew that a relative of his own had contributed £300 to the Defence Fund. His contention was, that under these circumstances no claim whatever could be advanced by Mr. Eyre, based on the so-called promises of the late Government. As respects the present Government, he regretted that they did not make inquiries as to the notorious fact of the existence of these funds before embarking in the question of the payment of these expenses, and so escape their present difficulty. No communication, however, passed between that Government and Mr. Eyre implying any promise on their part to pay these expenses until June 30th, 1871, when they informed him that "in fulfilment of the undertaking given by Her Majesty's late Government," they would propose the present Vote. He (Mr. Bowring) had shown that no such undertaking had been given by the late Government, and he contended that the proposition forming the basis of the Prime Minister's speech of August last had fallen through. It remained for him to call attention to a remarkable delay which had taken place on the part of the late Government in dealing with this matter. The Colonial Office wrote to the Treasury on July 31st, 1868, asking for their decision; but for three whole months no notice was taken of this letter, not even to the extent of referring the Papers to the Treasury Solicitor in the same building, and the Colonial Office had to send a reminder to the Treasury on October 27th. It was not for him to suggest a reason for the delay; but he thought that it required an explanation from the late Government, especially when it was remembered that it coincided with the period of the General Election, when the questions relating to the conduct of Governor Eyre were likely to be—and were, in fact—much discussed. In any case the result had been, not only that the claim on the part of Mr. Eyre had been increased by some hundreds of pounds—namely, from £3,790 14*s*. 8*d*. already mentioned, to the present Vote of £4,132 0*s*. 4*d*.—but that the present Government had had cast upon them the odium of proposing the present Vote. It was unnecessary for him to argue the question as to whether the House of Commons was in any way bound by any promises made by the Executive Government. It was universally admitted that they were absolutely free agents, and it would, indeed, be monstrous if it were otherwise. He would now state, in one or two sentences, what were his objections to the present Vote. He objected to it because it re-opened an unfortunate controversy, which all supposed had been many years ago closed for ever; he objected to it because it would be misunderstood by the public, and especially by the working classes, who, he had reason to know, were watching this debate with keen interest. ["No!"] Hon. Gentlemen who cried No! were not aware of the interest taken by them in the subject. He could state, as a fact, that within the last few hours earnest remonstrances against this Vote had been addressed to the Prime Minister by the leading representatives of those classes. They did not understand fine-drawn distinctions, but had a rough-and-ready manner of their own of weighing political questions, and they would assuredly look upon this Vote as tantamount to an approval of the conduct of Governor Eyre, and to a cancellation of the Vote of Censure of 1866. He also objected to this Vote because, if it passed, he did not see how Parliament could in honour refuse to pay to Colonel Nelson and Mr. Brand the heavy legal expenses to which they, as Governor Eyre's subordinates, had been subjected in the trials brought against them. He objected to the Vote because it might raise the question of Parliament paying the costs of the prosecution as well as of the defence. He objected to it because it would be unfair to grant it after successive Governments had declined to make any compensation to Mrs. Gordon or the other innocent sufferers by the rebellion, although the principle of such compensation had been distinctly admitted by the right hon. Member for Staffordshire, as the organ of the late Government, in his speech on the 30th of July, 1866; and, in the last place, he objected to it because it would set an evil precedent to those in authority in our distant Possessions, who might be unfortunately called upon to exercise what was an undoubted prerogative of the Crown—namely, the suppression of rebellion with a firm and heavy hand, but who might be encouraged to take shelter under Acts of Indemnity, passed, it might be, at their own instigation, and then disregard the sacred rights of humanity and be forgetful of that which after all was the highest and noblest prerogative of the British Crown—the meting out of equal justice to all classes of Her Majesty's subjects, whatever might be their rank, their race, or their colour. He begged to apologize most sincerely for the great length at which he had detained the Committee—it being equally against his custom and his inclination to make long speeches. But he submitted that he had established all the propositions which at the outset he stated he should bring forward; he had shown that on the merits of the case it was not expedient that the Committee of Supply should grant to the Government the sum now applied for; he had contended—what was not disputed—that the House of Commons was a free agent to act in any manner which it thought proper; he had shown that the present Government under the peculiar circumstances of the case could not be considered as in any way committed by any promises made by its predecessors in office; and lastly, he had proved that the so-called promise made to Mr. Eyre by the late Government was in reality no promise at all, and that such as it was, it was made contingent upon the joint and several fulfilment of two conditions, neither of which had been fulfilled, the one being that Mr. Eyre should be a large pecuniary loser by the actions instituted against him; the other that a jury of his countrymen should arrive at a verdict on the whole question after hearing evidence on both sides. In conclusion, he asked the Committee to reject this Vote primarily on what he would call the lowest—namely, the pecuniary ground, seeing that it was the especial function of the Committee of Supply, whilst freely granting to Her Majesty all the sums really required for the public service, at the same time jealously to watch over the public purse and protect the interests of the British taxpayer. But he also asked the Committee to reject the Vote on other and higher grounds. He asked them to do so because to grant it would in effect be to compel the whole population of the country, to the great distaste and repugnance, to say the least of it, of vast numbers amongst them, to make a forced contribution to that special testimonial fund which was organized by the friends and admirers of Mr. Eyre, seeing that those legal expenses to which it was nominally to be applied had many years since been defrayed two or three times over by voluntary private subscriptions. He also asked the Committee to reject the Vote because to grant it would virtually be to cast to the winds, as idle and unmeaning words, that solemn Vote of Censure which this House deliberately and unanimously placed upon its Journals in 1866—a Vote of Censure which up to the present moment had remained alike uncancelled and unchallenged. And lastly, he asked—he would almost say he implored—the House of Commons to reject this Vote in the name of the best and truest interests of civilization, in the name of the noblest instincts of humanity, and in the name of truth, which was undying — of mercy, which was heaven-born, and of justice, which was eternal.

SIR CHARLES ADDERLEY said, the hon. Gentleman had asked the Committee to reject the Vote under notice, on the ground that it re-opened the whole Jamaica question. He (Sir Charles Adderley) deprecated the renewal of that question after seven years, and thought the Motion of the hon. Gentleman ought to be peremptorily rejected for the selfsame reason, for he had re-opened the whole Jamaica question in a manner which could only tend to injustice and cruelty. The hon. Gentleman said that the people of England were waiting to learn the result of the discussion, thereby assuming that the people sympathized with him; but he (Sir Charles Adderley) believed the people of England would stand by the House of Commons in doing justice to a public servant who, in a crisis of the greatest peril and difficulty, had, even in the opinion of his worst enemies, only erred in judgment, and honestly done his duty, who, after being tried by every sort of tribunal, had been acquitted by them all, and who being now a doubly-ruined man, by the loss of office and promotion, and by the loss of fortune incurred in defending himself from the persevering persecution to which he had been so cruelly exposed, now came to this House for the payment of expenses, which he should show was invariably made under similar circumstances. The hon. Gentleman talked of justice, and to show his own notions of it had raked up the whole history of the Jamaica insurrection, without connecting any of the facts with guilt on the part of Mr. Eyre. They all deplored the facts; but had the hon. Gentleman, or his friends who cheered him, a monopoly of humanity, or did they even equally with Mr. Eyre himself deplore what had occurred in Jamaica in 1865? He stated that Mr. Eyre had been prosecuted twice for murder, but twice prosecution had utterly broken down; and now the hon. Gentleman set up a new and more venomous imputation, told them that Mr. Eyre had a grudge against Gordon, whom he allowed to be hung. [Mr. BOWRING said, he had only quoted a Parliamentary document.] The hon. Gentleman quoted the extract to make an impression on the House to the prejudice of Mr. Eyre; but it now seemed that he did so gratuitously, although he did not adopt the quotation himself. However the fact might be, he (Sir Charles Adderley) earnestly protested against the gratuitous imputation of such a grudge on the part of Mr. Eyre. Yet, after all, the hon. Gentleman acknowledged that Mr. Eyre had been guided by a sense of duty. Such was the hon. Gentleman's notion of a sense of duty. The question they had now to consider was this—whether Mr. Eyre should be re-imbursed the expense he had been put to in defending himself against prosecutions and proceedings for his conduct of the government of Jamaica? The official practice was this, so far as he could ascertain — when a public servant was brought to trial for his conduct in a public duty, his expenses were repaid. That was so not only in the case of an acquittal, but even if the public servant was condemned, provided his misconduct went no further than an error in judgment, his expenses were repaid to him. He challenged any hon. Member on the Treasury Bench to deny that such was the usage and practice of the office. Why should that usage be in this case departed from? He must accuse the Government of what he ventured to call, with all respect, rather shabby conduct on this occasion. The Chancellor of the Exchequer rose to move the Vote. He knew it was about to be challenged, and how did he sustain it? Not by expressing his own opinion of the merits of the question, or the justice of the Vote, but simply by stating that they were bound by the conduct of previous Governments. Was that the line which the Government ought to take on such a question? If they thought the Vote ought not to pass, let them have the courage to come forward manfully and say so, and not say that they were bound by the promise of the previous Government. He said that was, in any case, unworthy of them. But were they bound by the promise of the previous Government? He disputed the fact, and on the part of the late Government, so far as he was able, he had no hesitation in releasing them from any obligation they might consider themselves under. In what way could they be bound in honour to Mr. Eyre to carry out expectations wrongly raised by their predecessors? He maintained they were in no way bound by any such promise of a previous Government if they thought the Vote ought not to pass. They were not doing justice to the public if they allowed a Vote to pass of which such was their opinion. At least, they should give their opinion one way or another. The promise made by the late Government amounted only to a request on the part of the office for the documents on which they could make up their minds what expenses should be paid. Of course, where a Government asked for an account, unless there was something found against it, they would be bound to pay it. But after the present Government succeeded to the possession of that letter, was any demur ever made or any question raised about it by the right hon. Gentleman opposite? Supposing anything to be due to Mr. Eyre, it was a cruel injustice to him to have kept the matter in suspense so long, and yet the First Lord of the Treasury last year postponed the Vote, merely because a Question from below the gangway indicated that it would be opposed—an example of that sensitive obsequiousness to hon. Members below the gangway, which caused them habitually to address the House with their backs to the Chair. The hon. Member for Exeter (Mr. Bowring) said he brought the subject forward with pain and without prejudice; by his speech he should have thought the reverse: he did not know whether the hon. Member had anything to do with a document circulated that morning, which contained simply a mass of prejudiced misrepresentation. [Mr. BOWRING: Nothing whatever.] That memorial misrepresented the case from the beginning to the end. He would not weary the House by re-entering upon the whole question of the Jamaica Insurrection, and he hoped this would not be treated as a party question. If that were to be so, the occupants of the Treasury Bench would have to defend their own part in the proceedings, for it was only in its later stages that the late Government had anything to do with the matter. Nothing was by the late, or preceding Government, attributed to Governor Eyre but error in judgment, and when the contemporary debate took place that had been considered venial by the House of Commons, who knew the difficulties by which he was surrounded. The present Secretary for War (Mr. Cardwell) was Secretary for the Colonies, when the Royal Commission, of which the right hon. and learned Gentleman (Mr. Russell Gurney) was the head, was issued. That right hon. and learned Gentleman could tell the House a great deal upon this subject. The Report was not condemnatory of Governor Eyre, but rather showed that praise was due to him for the vigour with which he put down the Insurrection, while deploring the excesses which took place under martial law, and the too long continuance of it. Mr. Eyre continued martial law under a mistaken impression that he could not terminate it by the local Act in less than a month; and the punishments that were inflicted were not within his personal knowledge at the time, nor under his responsibility, and were inflicted by persons in a state of panic whose conduct had, nevertheless, since been condoned by Act of Indemnity. He (Sir Charles Adderley) complained that the self-constituted Jamaica Committee always spoke of the Insurrection as a mere disturbance, with aview of diminishing its importance, and so exaggerating the excess of violence used in subduing it. He appealed to the right hon. and learned Gentleman the Recorder whether, in his opinion, if it had not been for the unexpected fidelity of the Maroons, it was not probable every White man in the whole island would not have been massacred. He believed that was the opinion of all the best judges who were in the island at the time. Writing calmly and impartially, the then Colonial Secretary (Mr. Cardwell) did not condemn Mr. Eyre even for the execution of Mr. Gordon, but merely said that Mr. Eyre ought to have acted with more hesitation, which was equivalent to charging him only with error of judgment and inconsiderate mode of proceeding; and after this lapse of time it was cruel injustice to Mr. Eyre to revive the accusations against him which were proved unwarrantable at the time, and now were unmitigated malice. But the Jamaica Committee consisted of Abolitionists, who were in sympathy with the Baptists in the island, and they did not think anything could justify the execution of a Baptist any more than in the case of the Ceylon riots the present Premier could be persuaded that anything could justify the hanging of a priest. When the question was brought before the House on the proper occasion, the parts of the Resolutions moved by Mr. Buxton reflecting on Mr. Eyre were struck out; and it was incumbent on those who now revived the memory of those atrocities with a view to the prejudice of Mr. Eyre, in a still calmer distance from the time and scene in which he had to perform his difficult part, to set up a new theory to connect him with the commission of those atrocities more than they had previously done. The Jamaica Committee attempted to prosecute Mr. Eyre for murder; but, after a most able argument by eminent counsel, the decision was that there was no case. Then the magistrates of the metropolis dismissed another attempted case. Then Mr. Eyre was tried before Justice Blackburn and acquitted. And now the hon. Gentleman opposite thought that the people of this country had forgotten all those things, only recollected the Jamaica tragedy and the name of Eyre, and that he, in the name of humanity, could so far prejudice the minds of the House of Commons as to induce them practically to inflict a fine on Mr. Eyre by refusing this Vote of £4,000, by all usage, and by strict justice due to him. All the injustice the hon. Member accused Mr. Eyre of would, if true, hardly be equal to the cold-blooded injustice of such a proceeding, and he (Sir Charles Adderley) did not see how the hon. Gentleman could for a moment expect the House to consent. But the most ungenerous argument of all was that Mr. Eyre had a sum of money subscribed by his friends for his defence, and that the public need not pay over again what had been so provided. He appealed to those friends—many in the House—who, very much to their honour, had come forward with money to assist Mr. Eyre, whether it was not true that they raised that sum of money not only to pay the cost of his defence, but in order to give him something to fall back upon in lieu of the professional income which he had lost, and the loss of which left him a ruined man? When these humane men had raised some £10,000 in hand they all knew that that leech—the legal profession—as long as there was any blood to get, was not likely to let go their chance, and they proceeded with successive attacks until the money was wholly exhausted. He only wanted to say one thing about Mr. Eyre personal to himself, because it had been inferred that as he dated letters from "Adderley Hall," he (Sir Charles Adderley) had some interest in him. Now, the fact was that he had never seen Mr. Eyre or Adderley Hall in his life, and had no personal interest in him or in that place whatever; but he hoped that every honourable man in the country would sympathize with him in the treatment he had received at the hands of a very small and prejudiced number of his fellow-countrymen, and which had been kept up with unexhausted malignity for seven years, and was now attempted to be re-invigorated by fresh scandal being thrown in to set the House against him.

Mr. GILPIN said, he was not going to enlarge on the matter of the speech of the right hon. Gentleman who had just sat down; but in reference to its tone, he would appeal to the House whether the right hon. Gentleman had set it an example of the calmness which he wanted to inculcate, or whether, to the utmost of his power, he had not attempted to stir up feelings which the right hon. Gentleman professed—he had almost said pretended—to deprecate? There were still men in this country who deemed that the proper position of a Briton was to have his foot on the neck of somebody, and if that somebody possessed a skin not coloured like his own, that that foot should rest the heavier and weightier. But he (Mr. Gilpin) told the right hon. Gentleman that he appeared as a sympathizer with the oppressor, and not with the oppressed. He had to ask him, when he said that ex-Governor Eyre had received a Vote of Indemnity from his own Assembly in Jamaica, what that Vote would have been if the representation of the people of Jamaica had rested on the same bases as the representation of the people of England? What did the right hon. Gentleman think would have been the result of the Vote of Indemnity then? He (Mr. Gilpin) was as unacquainted as the right hon. Gentleman with ex-Governor Eyre. He therefore defied him to point out one single reason that he (Mr. Gilpin) could possibly have for malignity in entering into this discussion. From his very earliest life he had endeavoured to do justice between man and man; but there was this difference between the right hon. Gentleman and himself—that he recognized man as man, whether they were Governors or governed, and claimed equal rights for all. The right hon. Gentleman had referred to the right hon. and learned Gentleman the Recorder for London. There was no man in this House to whose judgment he (Mr. Gilpin) would rather bow in a matter of this sort. ["Divide!"] The hon. Gentlemen below the gangway who were hungry might as well go at once; but this debate was not going to end before dinner-time. They were going to have it argued out. And if the right hon. Gentleman (Sir Charles Adderley) thought that only a small number of the working classes was represented in the circular which had been sent round that morning, and which he knew as little of as the right hon. Gentleman, he could tell him that many of the names attached to it were the names of representative men—men representing a large number of the working classes of this country. The right hon. Gentleman had used terms which, considering the position he had held in Her Majesty's Government, and might yet hold, and in which he might have to do with Colonial Governors, were not wise. It was not wise to point the finger of scorn at the hon. Member for Exeter (Mr. Bowring) and talk to him about being the apostle of humanity. His hon Friend claimed no such distinction. When the right hon. Gentleman said that the fund raised for Mr. Eyre was not a defence fund, he (Mr. Gilpin) could, in reply, point to a circular he had received, headed "Eyre Defence Fund." ["Oh, oh!"] Well, they might "oh" away, but these expenses had been paid already, and therefore that Vote would be so much out of the pockets of the taxpayers of this country. He extremely regretted that the Government had brought forward this proposal. Where Her Majesty's Government had shown weakness, was in adopting the proposal of the former Government on this subject. It was said that Mr. Eyre had been tried and honourably acquitted; but, as far as he knew, he had never been fairly brought to trial. He (Mr. Gilpin) would willingly wipe out as with a sponge much that had taken place; but making every allowance for his acts during a time of great excitement, there was yet the name of George William Gordon which must live in letters of fire in the memory of Governor Eyre as long as he lived. George William Gordon was an educated man and a Member of the Assembly, and he had uniformly and strongly opposed Governor Eyre and the Government. He was in a place as safe as London if the law had been respected — namely, in Kingston, which was not proclaimed. Mr. Gordon having offered himself for arrest, Governor Eyre took him in his vessel, the *Wolverine*, from Kingston, where he was safe, to Morant Bay, and handed him over not for fair trial, but for execution. Making all the excuses they could for the behaviour of Governor Eyre during the Saturnalia of blood that reigned throughout a portion of Jamaica, there could be no doubt in the mind of any Englishman loving truth and justice that Mr. Gordon was a murdered man. The evidence given against him was not enough to have convicted a child charged with pocket-picking in this country. He (Mr. Gilpin) called upon certain Members of the Government not on this occasion to go into the lobby in support of this Vote. He called first upon the President of the Local Government Board, who sympathized with liberty all the world over; secondly, upon the Vice President of the Council of Education, whose honoured and revered father laid down a martyr life in the anti-Slavery cause; thirdly, upon the Chancellor of the Exchequer, who, if he had any money to spare, should rather expend it in repairing the mischief done in the villages which, under the orders of Governor Eyre and his subordinates, were desolated; and, lastly, he called upon his right hon. Friend at the head of the Government, who had shown his sympathy with human suffering and woe in a foreign country, to vindicate the principles which he had so long professed and adorned, and to object even at the last moment to the carrying of a Vote which would be regarded out-of-doors as giving the sanction of that House to deeds such as that of the murder of Mr. Gordon.

COLONEL NORTH said, the hon. Member for Exeter (Mr. Bowring), who had brought forward the Motion, said in his opening statement that he had brought it forward in the interest of the ratepayers, for he (Colonel North) found that the hon. Member in 1850 was appointed *précis* writer to the Board of Trade at a salary of £300 a-year. In 1854 the hon. Gentleman was promoted to the registrarship and librarianship of the Board at a salary of £800 a-year. But the office was found to be useless, for in 1864 the office of registrar was done away with, and instead of the hon. Gentleman continuing the office of librarian at a reduced income, it appeared by the Returns of the House that the ratepayers had to pay £426 a-year for the very distinguished services of the hon. Gentleman. [MR. BOWRING: No, no!] Why, he (Colonel North) saw in the Returns which he held in his hand that a sum of £426 13*s.* 4*d.* was paid to the hon. Gentleman. [MR. BOWRING: Not one farthing of that Vote will ever reach my pocket.] In that case he would ask the Chancellor of the Exchequer into whose pocket it did go. ["Question, question!"] The hon. Gentleman ought to have been the last Member of the House to have brought forward such a Motion out of consideration for the pockets of the ratepayers of this country. Now, the Correspondence which he held in his hand was about the most disgraceful to this country of any Correspondence which was ever laid on the Table of that House. It was an official account of the seven years' persecution of a most distinguished public servant, whose only crime had been to save the Colony of Jamaica to the Crown, and the lives of thousands of his fellow-countrymen. On the 11th of August last year they had come down to the House for the purpose of considering the Vote now before it, but it was withdrawn, and the discussion had been postponed till the present Session. He would draw the attention of the Committee to a letter from the right hon. Gentleman the present Secretary of State for War, who was at the time Colonial Minister, addressed to Governor Eyre, and dated 17th November, 1865. In that document Mr. Cardwell admitted the skill and vigour with which the disturbance had been suppressed, and the large degree to which that result was owing to Mr. Eyre's personal exertions and promptitude; he agreed that the Council of War had good ground for recommending the proclamation of martial law, and that that course had been justified; that the naval and military operations were prompt and judicious, and had been wisely planned and superintended by Mr. Eyre; and it was only after these just tributes to his conduct that the reasons were given why in the opinion of the Government it was not desirable that he should return to his government of the island. But how could Mr. Eyre or any man have supposed that such a letter meant that he was not to be employed in the public service again, and that even the expenses now included in this Vote would be so long refused him? Now, it was admitted that the fate of Jamaica, when the disturbance broke out, depended upon the course that was adopted within the first 48 hours. Among the many exaggerations that had been circulated on the subject one of the most flagrant concerned the number of troops that were under Mr. Eyre's orders at the time. Mr. Buxton had estimated it at 3,000 men—the truth being that there were 1,234 non-commissioned officers and men (of whom 91 were in hospital and 50 in prison); that 542 of that number were negroes, upon whose fidelity no great reliance was placed at the time, though, in fact, they behaved admirably; and that there were five garrisons, including that of Spanish Town, which had to be garrisoned by detachments from these troops. No assistance was obtained until more than 20 days after the outbreak of the disturbance. In regard to the strength of the available naval forces, Mr. Buxton's statements were equally exaggerated. He had said that there were 13 vessels with 1,700 men, who could have been called upon at very short notice for assistance; whereas the number was really only eight vessels and 1,200 men. It was difficult, therefore, to over-estimate the danger and difficulty of Mr. Eyre's position when the outrages of the negroes first began. Governor Eyre entered the public service in 1841, and was made successively Lieutenant Governor of New Zealand, of St. Vincent, South Australia, Governor in charge of the Leeward Islands, and Lieutenant Governor, and finally Governor of Jamaica; but what had his reward been? These: In 1866, a civil action in the Exchequer Court; in 1866, another action in the same Court; 1867, criminal proceedings at Market Drayton, on a charge of murder; in 1867, a civil action in the Court of Queen's Bench; in 1867, another action in the same Court; in 1868, criminal proceedings against him before Sir Thomas Henry; in 1868, criminal proceedings against him before the Bow Street magistrate; in 1868, a criminal indictment in the Court of Queen's Bench before the Grand Jury (who threw out the Bill on all its points); in 1868, various steps in the civil actions; in 1869, the judgment of Chief Justice Cockburn in his favour; and in 1870, the unanimous decision of the Judges of the Exchequer Chamber in his favour, which ended the business as regarded the Law Courts. In addition to all that, a Royal Commission was sent out, and pending its inquiries he was suspended from his appointment, and finally removed upon the completion of that Commission's labour, and the presentation of their Report. Such was the welcome Mr. Eyre had met with after a quarter of a century of distinguished and conscientious service. As he had himself stated in his Memorial to the Treasury, the result was that he had been deprived of pension, of re-employment in the public service, and had been put to such heavy and incessant expenses that he had been compelled to live upon the small principal that he had possessed, and thus to provide for the necessities of the present at the cost of the future. The undue prolongation of the period during which martial law prevailed had been brought as a serious charge against Mr. Eyre; yet after Sir Peter Grant had been installed as Governor the regular tribunals had sentenced two persons to death, 15 to penal servitude for life, 11 to penal servitude for 20 years, two to penal servitude for 10 years, and one to penal servitude for two years (among them being seven women), for having taken part in the disturbances—a sufficient proof that in spite of the reign of martial law many undoubted criminals had escaped. To those, then, who were inclined to take an unfavourable view of Governor Eyre's proceedings during the Jamaica Rebellion, he would recall the facts stated in the Commissioners' Report. The Commissioners found that a fortnight before the final outbreak the negroes were arming, drilling, and loudly proclaiming that they were about to commence a war of colour. At the same time the Civil War was raging in America, and the Black population of Hayti were in actual insurrection. It was upon the advice of the Council that the proclamation was issued, and the exception of Kingston from its operation went to show that martial law would not be continued one moment longer than was necessary; and it should also be borne in mind that in the proclaimed district the control was in the hands, not of the Governor, but of the general officer. He hoped that the result of the discussion would be not only the payment of the amount proposed, but that the country would feel that this distinguished man, who had served for several years in the colonies, would not only receive the grant of a pension but another appointment.

MR. M. CHAMBERS said, he rose to speak upon the subject with great reluctance, for he would at once admit that Governor Eyre had earned a fair and honourable reputation, and that he was appointed Governor of Jamaica in consequence of having earned that reputation. He was sorry—painfully sorry—that the right hon. Gentleman at the head of the Government was not present to hear the sentiments which he was about to utter. It would be a heavy blow or destruction to the Government if they carried this Vote, because it gave a history of the transaction, which would be simply this—that a Governor, who had acted with cruelty, was to receive a large sum of money because he had become a barbarian. These might appear strong words; but his right hon. and learned Friend (Mr. Russell Gurney), who went out as a Commissioner, had denounced Governor Eyre as next to, if not absolutely, a barbarian. He went out to govern a colony, and suddenly there was a riotous meeting, but no insurrection. ["Oh, oh!"] It was no such thing. The administration of the law was entirely in favour of a particular class, and by reason of that the so-called inferior race, or the negro class, thought they were not fairly dealt with. And what was the result? They had a man, an unfortunate half-caste (Mr. Gordon), who stood up for their rights, and meetings of the oppressed coloured population were held. The Governor took the part of the other class. In consequence of these meetings being held the Governor got immensely terrified, and believed there was a tremendous insurrection and rebellion. He lost his head, and was induced to take an illegal course and proclaim martial law in a particular district, and then proceedings took place which would be a blot on our future history. Some people supposed that martial law was no law at all, and that soldiers when let loose might do whatever they pleased. Now, when the Governor sent out his soldiers, his duty was to do everything he could, and to watch the time to stop the wholesale power of massacre of the population. It was also his duty to have asked the opinion of the highest Law Officers in the colony before declaring martial law. But he did no such thing. It was happy for Governor Eyre that he did not live in the time of Governor Wall. He (Mr. M. Chambers) thought Governor Wall was unlawfully hanged; but he was hanged because he had been found guilty of an act of cruelty contrary to English law. His defence was this—that what he did was done in order to prevent a mutiny. [No, no!"] Who said "no?" Let him stand up and deny it. Governor Wall said he did that which was essential for the preservation of the colony, and caused a sergeant to be flogged to death. Governor Wall was indicted at the Old Bailey, and was hanged. If the transactions in Jamaica had occurred in such times as that, it might have been that for the execution of an English subject Governor Eyre might have been tried at the Old Bailey for murder. Why did he say that? Because Governor Eyre did an illegal act. Could any man stand up against him as a lawyer and deny his assertion, that the treatment of Mr. Gordon was such an illegal act as might in the times to which he had referred have led to Governor Eyre being indicted at the Old Bailey for murder, found guilty, and condemned? What he did was an illegal act—it was the unlawful execution of a British subject. Martial law was proclaimed in one district. Mr. Gordon was in another district; and was not subject to martial law. Whatever might have been the merits of the case, even if there were any, Governor Eyre had no more right to send Mr. Gordon into the district where martial law existed than to send anyone to be tried in a foreign jurisdiction. The moment Governor Eyre sent Mr. Gordon into that district he lent himself to that man being unjustly executed, and acted contrary to the law of England. If the Attorney or Solicitor General could come forth and deny that opinion let them do so. Now, how was the wretched court martial established which sacrificed Mr. Gordon? There was an ensign in the Army, and a lieutenant in the Navy. He was not sure whether there was a captain or not. They proceeded to try Mr. Gordon. Mr. Gordon said he could show them that he had nothing to do with the outbreak. They, however, would not allow him to call a witness, and went through the ceremony of saying Sunday should be a sacred day, and he should be executed on Monday. He contended that the execution was next to murder, because it was an unlawful execution and Governor Eyre was a party to it. He hoped the Government would not press the Vote, and he maintained that it would be a disgrace to the nation if it were agreed to. Governor Eyre declared martial law, but did not stop it early enough, forgetful of the fact that a man who had power to declare martial law should be perpetually vigilant, so that at the earliest possible moment he might withdraw the sword which was held over all the people of a given district. Nobody could doubt that Governor Eyre was not sufficiently vigilant, and that many cruelties were perpetrated and many lives lost in consequence of his not putting a stop to that system of martial law which he had declared. As for the Vote before the Committee, it was in fact a request that so much money should be given to Governor Eyre for the performance of acts of which every one disapproved. He hoped that if the Government insisted on dividing on the Vote they would be effectually beaten.

Mr. WHEELHOUSE said, it appeared to him that the Committee was in some danger of losing sight of that which was the real issue — namely, whether a Colonial Governor against whom no worse was alleged—even if that much was admitted—than that in a moment of considerable excitement he had committed an error of judgment, for which he had been removed from his Governorship, was to be still further punished? It was said that when Mr. Eyre proclaimed martial law there was no rebellion in the island. But, notwithstanding what had been said, he (Mr. Wheelhouse) believed there was a rebellion, and nothing less. It was all very well for hon. Gentlemen, who did not like the circumstances, to use the milder term "insurrection;" but euphemisms would not make any alteration in the fact. He (Mr. Wheelhouse) was convinced that had it not been for the promptitude with which Governor Eyre acted, it was most likely that in five days a White man would not have been left in Jamaica. It was not reasonable that a Colonial Governor situated as Mr. Eyre was situated should be called on to pay the expenses of the criminal and civil proceedings instituted against him, and it was hard measure to revive, after this interval, the whole story of the disturbances and Gordon's execution, to prejudice the House of Commons against a Vote of money to which Mr. Eyre was as much entitled as any occupant of the Treasury bench was entitled to his salary. There was no charge of personal cruelty against him. Grand juries of his countrymen had declared that there was even no *primâ facie* case against him. That being so, we ought not to break faith with a public servant who had tried to perform his duty to the best of his ability in a great emergency, nor was the country absolved from its liability merely because of the existence of an Eyre Defence Fund, but for which he would have been overborne by a bitter and relentless persecution.

MR. T. HUGHES said, he entirely agreed that the question was how far the present Government were bound to support the Vote under consideration. Now, the Government, so far as he could understand the Chancellor of the Exchequer, maintained that they were so bound, on account of some pledge given by the last Government to defray the costs incurred by ex-Governor Eyre. If that theory were sound, at any rate the facts did not fit in the present case, for the right hon. Gentleman (Sir Charles Adderley), who in this matter represented the late Government, had just now most positively declared that no such promise had ever been given by them. He therefore trusted that the House would not, upon this subject, be forced to give a vote, which he believed would be one of the saddest votes given in his time. It had been said that Governor Eyre had been acquitted by every tribunal before which he was summoned, and, to a certain extent, that assertion was true. He had been acquitted, no doubt, so far as a man can be acquitted by a grand jury. But it must be borne in mind that Governor Eyre had never been tried in this country on the merits of the case, and it was only upon technical points that he had ever been acquitted by a Court of Law. He thought that the refusal to put Kingston under martial law, and the seizure of a Member of the Legislative Assembly in that very district, where martial law had not been proclaimed, and where, therefore, no one pretended that the civil law had been superseded, was a flagrant violation of the law of England. Nevertheless, if Governor Eyre had been acquitted of that charge by a jury of his countrymen, he (Mr. Hughes) would never have spoken on the subject, nor opposed the Vote now under notice. But, under the circumstances as they stood, and there never having been a trial on the merits, if the Vote were now agreed to, the opinion of 99 persons out of 100 out-of-doors would be that the passing of the Vote was a distinct condonation of all the terrible proceedings which had occurred in Jamaica, and a declaration that the House did not disapprove the way in which martial law was carried out in that island. He admitted that the conduct of Governor Eyre in Australia was "magnificent"—he showed immense firmness and courage in exploring expeditions, and was rightly promoted for what he had done there. The honour of England had been placed in his keeping as a Colonial Governor, and he (Mr. Hughes) felt that the responsibility cast upon the Governors whom this country sent out to distant possessions was very onerous. At the same time, it was very honourable, and if, through weakness, or by the influence of a violent and almost savage will, or through panic, any of those Governors were led to transgress the laws, and commit acts condemned by all civilized nations, then it was the duty of that House, stern and unpleasant as that duty might be, to say that we would hold our Governors distinctly responsible for their acts. It was in vain to refer to the time of Charles II., or to 1798, as a reason why Parliament should assent to what took place seven years ago in Jamaica. The times were happily changed, and he trusted better, so far as such acts as these were concerned. The House ought not to sanction the terrible acts which were done to subdue what was called an insurrection, but what he considered was a small and obscure rising—which, in fact, was put down by 35 soldiers. As a steady supporter of the Government he felt great regret at the course they had taken on this subject, and hoped, after the speech of the right hon. Gentleman, they might re-consider their course, even at the eleventh hour. If not, it would do much to obscure, if not to mar, the great work they had accomplished for the country by way of legislation. He should certainly vote with his hon. Friend the Member for Exeter.

MR. R. N. FOWLER said, he wished to state the grounds of his vote, as it had been remarked to him that, as he had brought forward the Chinese Slave Trade early in the Session, he might be expected to vote against Mr. Eyre on account of his conduct to the negroes. He might remark, on the other hand, that in his earlier life Mr. Eyre had been distinguished by his kindness to the Australian natives, and had then been associated with a distinguished philanthropist—his lamented friend, Dr. Hodgkin. But the question was not as to Mr. Eyre's character, but what was the duty of the Committee of Supply with respect to this Vote? He was unable to concur either with the hon. Member for Exeter (Mr. Bowring), or with the right hon. Member for North Staffordshire (Sir Charles Adderley). He did believe that Mr. Eyre was a monster of iniquity on the one hand, and an heroic pro-consul, who saved a province, on the other. And what he wanted to put before the House was this—whether, assuming everything that had been stated by the hon. Members for Exeter and Northampton to be correct, they were justified in refusing this Vote? He must say that he viewed the proceedings of Governor Eyre in Jamaica with deep regret, because he thought they were marked by unnecessary severity to our fellow-subjects in that island. Had he been a Member of the House in 1866 he should heartily have concurred in the Resolution then arrived at, and he did not consider the vote he was about to give to be in any sense a reversal of that Resolution. But however much Governor Eyre had erred, he had been most severely punished for his mistakes, and it did not become that House to make the punishment greater. Was the House prepared to go further, and to prosecute a ruined man? Mr. Eyre was practically ruined. He was as much ruined as the officer who lost his sword; as the barrister who was disbarred; as the Member of that House who was ignominiously expelled from it. It was always usual that Colonial Governors on their return should receive some honour at the hands of the Crown, and they looked forward to further employment. Her Majesty, under the advice of successive Ministers, had declined to confer on Mr. Eyre the Order of the Bath, and he had been refused another appointment. If it was designed to prosecute him, he ought to have been prosecuted by the Ministers of the Crown. When Governor Eyre returned to this country there was at the Colonial Office a man in whom the colonies and the country had great confidence (Mr. Cardwell), and to him the Earl of Carnarvon succeeded; but neither Government prosecuted, and it was not for a body of private gentlemen, however distinguished — and he admitted the high character of a body which included his late lamented Friend, Mr. Charles Buxton, and Lord Alfred Churchill — to undertake such a task; and if Government did not prosecute he thought no prosecution ought to have been undertaken. As the Government did not think that Mr. Eyre's offences were suitable subjects for prosecution, they, on the other hand, when he was prosecuted by private individuals, and when that prosecution came to nothing, should reimburse him the expenses of the prosecution. He could not join in the vindictive persecution of a man to whom this country in former times was greatly indebted, and thought that in agreeing to the Vote the Committee would be tempering justice with mercy.

Mr. P. A. TAYLOR*: Sir, I cannot but think that the Government have adopted a most unwise course in this matter. The Motion cannot but be most unwelcome to many Members of the Government itself, for if I recollect aright some Members of the Government were actually members of the Jamaica Committee, and I am quite sure that many others have felt a sympathy—an honourable sympathy—with the proceedings of that Committee. It cannot, I think, be otherwise than unwise of the Government to do violence to the thoughts and sentiments of the great mass of the people of this country. It cannot but be ill-judged and unwise for them to reopen this question, seeing that their existence depends upon the country; and because the Government collectively, and every individual Member of it, will be called to account for their vote wherever there are large and popular constituencies all over the country. But if they be most ill-judged and unwise, the friends and admirers of Governor Eyre are still more unwise in insisting upon dragging this unhappy Jamaica affair again before the House of Commons. The mistakes made by ex-Governor Eyre in Jamaica have probably been visited upon him with some severity—and in using a word so mild and ineffective as mistake, I do so that I may not prematurely rouse an opposition. His mistakes in Jamaica have been probably visited upon him. He has lost in reputation and in character, and he has irrevocably shut upon himself the doors of official occupation and official promotion. But there was a misfortune which has not come to ex-Governor Eyre, and that is because the transactions in Jamaica have never been brought before the High Court of Judicature in this country; and if they have been brought before this House, it has not been since light has been thrown upon that transaction by the Lord Chief Justice. Sir, when these occurrences took place in Jamaica, a very great feeling of indignation and shame pervaded the great mass of the population of this country, and a number of gentlemen constituted themselves a committee who should be the representative of that great feeling of indignation and shame. The Jamaica Committee thought it their bounden duty—and I am here to take any amount of responsibility for their act—the Jamaica Committee felt it their bounden duty—a duty they owed to justice and humanity, and that they believed they owed to the honour of their country—to bring these transactions within the purview and before a high Court of Law in this country, that they might know, and that the world might know authoritatively, whether the deeds done in Jamaica were legal and justifiable or not. Sir, we failed in every point; we failed through a series of what I may call secondary or even tertiary causes, or technicalities. We never failed upon the real question at issue, for it was never tried at all. Hampered and harassed with a series of technicalities, beginning with the impossibility of serving the summons upon him, down to that final one which whitewashed him, and all the transactions in Jamaica, the Bill of Indemnity passed by that contemptible—and, thank God, dead—body, the Legislature of Jamaica. Sir, I repeat, all the talk that we have had about repeated verdicts of acquittal—about ex-Governor Eyre's having been repeatedly acquitted by the Courts of the country—is a mistake. Unless the bench of magistrates of Market Drayton are a High Court of Judicature, or unless a grand jury are a High Court of Justice, there has been no acquittal. I have nothing to say against these grand juries, but they do not pretend to be judges or lawyers; and, be it remembered, the case was never argued before them. In their own private chamber they decided upon the case; and if we want to know what was the previous impression upon the minds of one at least, it is evidenced by the fact that they returned no true bill against the overwhelming charge of the Lord Chief Justice. We (the Jamaica Committee) failed, and having failed were content to let the matter drop. We had neither right nor interest in continually dragging these matters before the country. We were content to let these transactions pass down the stream of contempt into the ocean of oblivion. But now the question is raised and must be discussed again, and I beg hon. Gentlemen to remember not only that ex-Governor Eyre but the Jamaica Committee are upon their trial. Unless we can give effective reasons why this Vote should be refused, and why we took the course we did, it can be justly said of us what has been unjustly said of us hitherto—that we were cruel persecutors of an innocent man. In the history of our transactions with alien and inferior races, there have been many transactions which have not received the approval of good men of the time, and of which posterity has ratified the disapproval. We have been violent, cruel, tyrannical; but there has often been something to palliate and excuse. There was the courage, devotion, chivalry of a small body of men pitted against a whole host of barbarians. In the case of Jamaica, there is neither excuse nor palliation. The case of Jamaica is a case of cowardice which magnified a trumpery riot into a widespread insurrection, and then drowned the phantom it had created in an ocean of murder, anarchy, and blood. The country a short time ago was startled by the killing of the Kooka prisoners in India; and as to that, I have nothing to say, except that it falls far short of the cowardice and cruelty shown by England in this matter. But what said the late lamented Lord Mayo? ["Question!"] This is the justification of the Jamaica Committee. He said—

> "While every officer will be fully supported in any measures, however rigorous, which he may be justified by law in adopting for the maintenance or restoration of the peace, no one will be permitted to supersede the law at his own discretion."

Ex-Governor Eyre did supersede the law at his own discretion, and that dictum of Lord Mayo's is an ample justification for the attempt of the Jamaica Committee to make him answer for it before a tribunal of his own country. I will not weary this House by repeating the debates of the atrocities which were committed through those days and weeks—three weeks at least—of shameless barbarity. They have been well recounted by the hon. Member for Exeter (Mr. Bowring), and I will not read again the shameless, infamous cynicism of the officers, boasting of their cruelty. It would raise a shudder were I to mention it, and it will raise a shudder of indignation and shame throughout the country when it is known to-morrow. The right hon. Gentleman opposite (Sir Charles Adderley) seems to think he needs only to give his view of the matter. He seems to think—"I am Sir Oracle, and when I ope my mouth, let no dog bark;" he is constantly professing that he is no humanitarian or sentimentalist, but I am not aware that anyone is likely to mistake him for either. He told us almost in one breath that ex-Governor Eyre had saved the island, and in the next that terrible atrocities were committed, but which no one had regretted more than ex-Governor Eyre. In regard to the statement that but for these severities not a single white man would have been left upon the island, I prefer, like him, to refer to some authority on the subject, and not to some story which has been picked up. The Lord Chief Justice stated—

> "The mere presence of a handful of soldiers sufficed to put an end to what appeared at the outset likely to prove a formidable insurrection, but which in the result turned out to be of a totally different character. Nevertheless, martial law continued to be put in force. It appears from the Report of the Royal Commissioners that 439 persons were put to death; 354 by sentence of courts-martial, 85 (most of them) wantonly and unnecessarily in the pursuit. Six hundred persons were flogged, some under circumstances of the most revolting cruelty—many of them women. Some of the scourges used were produced before the Commissioners, who observe that 'it was painful to think that any man should have used such an instrument for the torturing of his fellow-creatures.' Practically, the rebellion was over within 24 hours after martial law was proclaimed."

Now, Sir, what said the Commissioners in regard to Mr. Eyre? I appeal to any man to state frankly, whether in a Royal Commission going to a British Colony to examine into alleged mistakes of a Government personage, whether it is not expected, however high may be their character, however thorough their intentions to do justice with impartiality —whether it is not expected that there will not be that cool and impressive weighing of evidence which is characteristic of our Courts of Justice? There will be a tendency to stretch or excuse—to make every palliation that can be made. I have the highest respect for the right hon. Gentleman opposite (Mr. Russell Gurney), and the Gentlemen who composed that Commission; but I do say, on the very face of their Report, there stands the evidence that they proceeded in this official groove. There was no black man upon that Commission. We know the difference whether the picture is painted by the lion or the man. The facts they elicited, the charges they substantiated against ex-Governor Eyre, were a full justification for what the Jamaica Committee did; and yet they find in them something for excuse, and even for praise. But what does the Royal Commission say—

> "By the continuance of martial law in its full force to the extreme limit of its statutory operation, the people were deprived for a longer time than the necessary period of the great constitutional privileges by which the security of life and property is provided for."

But that is our case. When a man, responsible for the security of a colony, proclaims martial law when unnecessary, or prolongs it longer than is necessary, he becomes justly amenable to the tribunals of his country. They go on to say—

> "That the punishments inflicted were excessive. That the punishment of death was unnecessarily frequent."

The punishment of death unnecessary! That, I suppose, is a Royal Commission euphuism for wilful murder.

> "That the floggings were reckless, and at Bath positively barbarous. That the burning of 1,000 houses was wanton and cruel."

When barbarous acts are committed, it is no great wonder that we should call upon him by whose orders they were committed, and demand that he shall acquit himself, or show the necessity for them before the Law Courts. I will just say a word or two in reference to Mr. Gordon, but it will not be necessary for me to say much, the subject was so well handled by my hon. Friend the Member for Exeter. The right hon. Baronet (Sir Charles Adderley) seems to find extreme difficulty in understanding what was alluded to when it was said that ex-Governor Eyre persecuted to the death a political opponent. He said this was some rumour—some gossip roused which he had never heard of before. But so far from its being a mere rumour that they were political enemies, Gordon had repudiated and denounced the acts of Mr. Eyre. Mr. Eyre had dispossessed him of his commission as a magistrate for alleged reasons, so obviously false that he called down upon himself a well-merited rebuke from the Duke of Newcastle. Well would it have been for Mr. Eyre and for his victim had he well weighed the words of that rebuke. The Duke of Newcastle, writing to him on September 2, 1862, says—

> "I desire to caution you against rejecting Mr. Gordon's complaints as unworthy of your attention;"

and writing again on the 31st of October, 1862, the Duke says—

> "The enclosure contains a series of reflections upon the private characters of persons who attended the meeting in favour of Mr. Gordon, into the truth or error of which I have no disposition to inquire; and I take this opportunity of observing to you that I feel sure you will find it most conducive to the public interests you have at heart to occupy yourself rather with the substance of acts and proceedings with which you have to deal than with the private characters or the persons who may assail or defend them."

Mr. Gordon, a Member of the Legislative Assembly, who denounced the acts of the Governor, was taken to the proclaimed districts and hanged. Now, I declare as I read this evidence—the right hon. and learned Gentleman (Mr. Russell Gurney) will follow, and he will correct me, and I will submit if I am wrong—that there is no ground whatever for asserting that Gordon had anything whatever to do with the riot. ["Oh, oh!"] Hon. Gentlemen do not assent to my opinion; I will give them that of the Lord Chief Justice of England. He says—

> "I think it, therefore, next to impossible that Gordon contemplated the outbreak which took place. But so far from there being any evidence to prove that Mr. Gordon intended this insurrection and rebellion, the evidence, as well as the probability of the case, appears to me to be exactly the other way. That letter of his, written to a private friend, and which he could not expect would be intercepted, and which I have no doubt was a genuine one, fully shows that his feelings on hearing of the outbreak was that of surprise and sorrow."

Many a political antagonist has been murdered under the forms of law; George William Gordon was murdered with no form of law at all. What say the Commissioners? They do not charge Mr. Gordon with any connection whatever with the insurrection. They say—

> "Upon a careful review of this evidence we have formed the opinion that the true explanation of Mr. Gordon's conduct is to be found in the account which he has given of himself. 'I have gone as far as I can go, but no further. If I wanted a rebellion I could have had one long ago. I have been asked several times to head a rebellion, but there is no fear of that. I will try first a demonstration of it, but I will first upset that fellow Herschell, and kick him out of the vestry, and the Baron also, or bad will come of it.' Mr. Gordon might know well the distinction between a rebellion and a demonstration of it. He might be able to trust himself to go as far as he could with safety, and no farther. But that would not be so easy to his ignorant and fanatical followers. They would find it difficult to restrain themselves from rebellion when making a demonstration of it."

That is to say, a political agitator used violent language, and other people not understanding it, went the length of a rebellion. That is constructive treason with a vengeance. That would have brought Daniel O'Connell to the gallows; would have brought my right hon. Friend the Member for Birmingham to the gallows; it is a doctrine that would have taken the life of many a man who sits upon these benches. [*Cheers.*] Yes, that cheer shows the question we have to solve to-night. Shall we pay Mr. Eyre for doing in Jamaica what the rabidest Tory dare not propose for us? I will read you the final words of the Lord Chief Justice—

> "No one, I think, who has the faintest idea of what the administration of justice involves could deem the proceedings on this trial consistent with justice, or to use a homely phrase, with that fair play which is the right of the commonest criminal. All I can say is, that if, on martial law being proclaimed, a man can lawfully be thus tried, condemned, and sacrificed, such a state of things is a scandal and reproach to the institutions of this great and free country, and as a Minister of Justice profoundly imbued with a sense of what is due to the first and greatest of earthly obligations, I enter my solemn and emphatic protest against the lives of men being thus dealt with in the time to come."

And shall the man who called forth this solemn appeal to all that Englishmen hold sacred be paid twice over for the wrong that he had done? He has been paid by his friends and admirers, and there are plenty of them; but the great mass of the population of this country loathe and execrate the Jamaica deeds, while that which is called "Society" finds in them much to be approved. It likes that summary mode of procedure; it likes that which may be called a system of blood and culture. They have subscribed twice and thrice over for Mr. Eyre, and why should taxpayers be called upon to pay again? If the Chancellor of the Exchequer could find some scheme by which all the revenue should be raised by subscription, each apportioned to its particular service, what an advantage it would be. The Quaker would not have his conscience hurt by subscribing towards the costs of war, nor the Republican by being taxed for the trappings of Royalty. Well, that is an impossible dream, but so far as this Vote is concerned, it has actually been done. The friends of ex-Governor Eyre have put their hands into their pockets and paid his expenses, and why should the ratepayers of England, who loathe and execrate his deeds, be called upon to pay him again? I have defended to the best of my poor ability the acts of the Jamaica Committee. I have not a word of apology to make, not a word of apology to utter. Were the case to occur again, I would endeavour again to bring the actor to the bar of his country. The hypothesis is needless, for it will never occur again. The Jamaica Committee, failing in all its direct aims, and almost overwhelmed amid a storm of obloquy and misrepresentation have done their work—have fulfilled their mission; they have stamped out a policy. Never again in a British colony—whatever may be the result of the contemptible vote of to-night—never again in a British colony shall be enacted the policy of ex-Governor Eyre, nor the world stand aghast at the atrocities of a Jamaica massacre.

Mr. OSBORNE MORGAN said, the shield of public protection should not be thrown over a public servant who had committed acts which had been condemned by the conscience of the nation. Never was there a transaction that more nearly approached judicial murder than that of Mr. Gordon since the days of ex-Governor Wall—but what did they find? Ex-Governor Wall was hanged, whereas ex-Governor Eyre was to be rewarded by a grateful country for flogging thousands of people in Jamaica, and putting down a simple riot in a manner that had horrified the world. A bench of Shropshire magistrates had expressed their opinion that ex-Governor Eyre was not guilty; but he (Mr. Osborne Morgan) declined to accept the opinion on this matter of a Shropshire bench of magistrates, however able. This matter was never sifted and tried before the only tribunal competent to try it—an English jury. But whose fault was it that it was not so sifted and tried? It was the fault of ex-Governor Eyre and his friends, who stopped the course of justice, and he now wished to be repaid the expenses of escaping from a trial. He (Mr. Osborne Morgan) deeply regretted that the Government, by proposing this Vote, had accepted this *damnosa hereditas* from the late Government, and protested in the name of humanity against the atrocious acts committed by the ex-Governor.

Mr. RUSSELL GURNEY: Sir, the hon. Member for Exeter (Mr. Bowring) courteously informed me that in bringing forward this matter, he was about to refer at considerable length to the Report for which I am responsible. I therefore felt obliged to be present, and since I have been here I have been appealed to by two hon. Members in such a manner that it is impossible for me to remain silent. To those appeals I do not profess to make a direct answer in detail; the best answer I can make to them is to refer to the Report for which I am responsible, and to every word of which I still adhere. It was after a very long and anxious inquiry, presided over by my right hon. and gallant Friend opposite (Sir Henry Storks), by a tribunal of which I was a Member, that this Report was adopted. We went very carefully into the matter after a long examination, and we were perfectly unanimous on the Report. Therefore, I may fairly refer to that Report as being a sufficient answer to the appeals made. I cannot go much into detail, but I will refer to the substance of that Report, which is perfectly clear. By that Report we declared our opinion that there had been a planned insurrection for obtaining what were called the Back Lands; that that had been the great object of conspiracy; and that it was a clear and decided conspiracy; that it extended over a small district, yet such was the state of the country that it immediately spread over a very extended district; and that if it had not been at once put down, it would ultimately have had to be put down at a much more fearful loss of property and life than that which actually occurred. To all that I perfectly adhere; and I adhere at the same time to the conclusions that have been referred to in the course of the debate — that although Governor Eyre was perfectly justified originally in the proclamation of martial law, it was unnecessarily and improperly prolonged, and that, during the latter portion of the time, although martial law had remained in force, no trials or executions ought to have occurred. We adhere to the conclusion, therefore, that "the punishment of death was unnecessarily frequent," which is spoken of as an improper and mild mode of expressing our opinion. I do not know in what other way we could have expressed it. We adhere also to the opinion "that the floggings were reckless, and at Bath positively barbarous," and "that the burning of 1,000 houses was wanton and cruel." The hon. Member for Leicester (Mr. P. A. Taylor) has referred to the proceedings of the Royal Commission as if they necessarily set about the inquiry with no other desire than that of throwing some sort of screen over the proceedings of officials. [Mr. P. A. TAYLOR: I beg pardon; I did not.] ["Oh, oh!"] I do not profess to give the hon. Member's exact words, but I think the impression they produced is substantially conveyed by what I have said. I can say for my Friends, as well as myself, that we commenced that inquiry with no such feeling; we entered upon it with no other feeling than that of eliciting the truth; and we were fully determined to declare the truth when elicited. I think the expressions referred to in the conclusions of the Report show that we were not looking out for the gentlest words which could be used to describe the scenes which occurred. When we speak of things as being "cruel and positively barbarous" it is hardly fair to say we looked out for words that would convey the most gentle description. Although, therefore, I still adhere to the conclusions at which I arrived as to these cruelties having been committed, they seem to me to bear little upon the question before the Committee. It is not whether great cruelties were committed—of that I do not entertain a single doubt; but the question is, to what extent the Governor was responsible. I know well that in the despatch he wrote in January, 1866, he took upon himself the responsibility for that which happened; but he does not refer to those particular cases of cruelty which were never known of until our inquiry was instituted, and which were a perfect surprise to everyone. ["Gordon!"] Do not think I am going to miss his case, I shall come to it directly; but the evidence respecting the cruelties and the barbarities to which I have referred was a perfect surprise to everyone connected with the Government at that time. Therefore it is somewhat too hard to seize upon an expression made use of by him in the despatch of January, 1866, wherein he takes upon himself the responsibility of the measures that were adopted, and to suppose that in using that expression he referred to those cruelties, those burnings, those floggings, and those other acts as being those which he approved and for which he declared himself responsible. What, then, was the fault of Governor Eyre? I do not mean to shrink from stating it fully. In the first place, it was the continuance of the trials which were held under martial law. I believe a still, greater fault was this—having put a most fearful machinery into operation, he did not take care to be informed every few hours of what occurred. Another fault, which I do not at all propose to screen, was his proceeding with reference to Gordon. The first fault in this case was taking Gordon out of a district where the ordinary law was in force to the district where the offence was supposed to have been committed, and where he became subject to martial law. Let us remember, however, there are differences of opinion upon that point. I have here the Charges both of the Chief Justice of England and of Mr. Justice Blackburn; and a very serious difference of opinion exists upon this subject between those two learned Judges. I confess I think that martial law being in operation in one district and the laws of England in the other, it would have been far better, if the Governor had thought at all on the subject, to have left Mr. Gordon where he was, to be tried by ordinary law. I do not defend his removing Mr. Gordon; but, remember, it was a time when there was a great insurrection going on, and the full conviction in the mind of Governor Eyre, of every White man, and of almost every coloured man in the island was that Gordon was concerned in it. I believe the impression was a wrong one; but I believe the impression was so strong that Gordon could not have had a fair trial in any part of the island. It was the universal impression and belief that he was at the head of the insurrection, and the Governor thought it was of importance that, while the minor agents and humble people were being tried and executed, Gordon should be tried in a similar way. That was his reason. I believe fully he entertained it honestly; though I believe he was wrong in his belief as to Gordon's complicity, for after all the inquiry we made subsequently, culpable as his conduct was, I do not believe he was a party to that particular insurrection, nor do I believe he was engaged in any general conspiracy. The next fault of Mr. Eyre was that he did not stop the execution of Gordon. He did not confirm the conviction; he was not called upon to do so; but there was a short time during which he could have directed that the execution should not have taken place, and he might have used the time thus gained in calmly reading over the evidence affecting the case. If he had done so, I think he could scarcely have come to any other conclusion than that the evidence given before the Court Martial was insufficient to justify an execution. But we have to look to other matters in this case. It is not true, as stated by the hon. Member for Leicester, that this was a trumpery riot. The hon. Member for Leicester, no doubt with kindly feeling towards the Commissioners personally, felt it was hardly possible for us to come to a right conclusion on such a point. But there were other trials subsequently, which took place before the Judges of the island in Courts in which the ordinary laws of the country were in force; several persons were tried, convicted, and sentenced to penal servitude; and Sir Peter Grant, in giving an account of the result of the evidence adduced, says—

> "The judicial evidence in the case proves that the march and attack upon the Court-house on the 11th of October were premeditated as part of an intended insurrection; that there had been previous swearings-in and drillings in order to this movement; that the assailants were to a certain extent an organized body, having drum and flag, marching under previously appointed commanders, and capable of dividing into two and of advancing in two lines under separate captains when it was so ordered; that occasionally in the course of the evening a sort of attempt to use military words of command, such as 'order arms,' 'load,' was made, and that the murder of certain persons who were murdered on that occasion was openly spoken of before the day of the occurrence among those engaged in the attack, and was boasted of afterwards by others so engaged. This evidence throws no light on the cause which may have led to the conspiracy, but it proves that the assailants proclaimed, upon making their attack, their object to be war; that the war announced was a war of colour, and that they themselves understood, the day after the slaughter, that what they had undertaken was 'war.' Such was the nature of the rebellion existing in the south-eastern districts of the colony, and such was the liability of its extending to other districts. At this time there were not more than 1,000 troops in the colony, of which one-half were required to garrison and protect Kingston and the neighbourhood, and the other half were operating in the disturbed districts. Had insurrection arisen in any other part of the island, there was not a soldier disposable to send to quell it. At the same time the Black and coloured population were, in round numbers, 400,000 to 13,000 Whites, the latter, too, being isolated and scattered throughout the length and breadth of Jamaica, with few or no facilities for rapid intercommunication."

These were the conclusions of Sir Peter Grant, months after we had left the island, upon investigations which had taken place before the regular tribunals. That being so, I think hon. Members will hardly deem it fair to speak of this event as a mere trumpery riot. We have to consider what is to be our course on the Vote proposed. I feel it will be my duty to support that Vote. I do it without shrinking in the slightest degree from the statements I have made and the conclusions I had previously formed. I do it upon this ground: though Governor Eyre made a serious mistake, from which grievous mischief arose, he acted honestly in the matter; and that it is not right that he should bear the expense of defending himself against a charge of wilful murder which ought never to have been preferred. But it is said — Are you going to reward him for making such a mistake from which such consequences arose? Reward! What is the idea of hon. Members opposite as to reward? Why, it is perfectly ludicrous. Who can think that reward is being apportioned to Mr. Eyre? He has been dismissed from his appointment rightly, by my right hon. Friend the present Secretary of State for War. His career is cut short; after 25 years spent with honour and credit in his profession, he is placed in the position of an officer who is cashiered. It is idle to speak of a reward in such a case as this. I was glad to hear from the hon. Member for Leicester the admission that we need be under no fear that our vote will encourage a repetition in future of the acts which we now deplore. We have heard much, and very rightly so, of the Charge of the Lord Chief Justice, but if the House will permit me I will refer to one portion of that Charge which bears not a little upon the subject of the question which we are now discussing. The learned Chief Justice, after going through all the circumstances that occurred at the time of the insurrection in Jamaica, says—

> "Having entered so largely into these matters I feel bound to say—for I should be sorry not to do justice to an absent man—that, looking to the general consternation and alarm which pervaded the island—looking to the circumstances in which the White population and the authorities of the country were placed with reference to the proportion—the small proportion which the White population bore to the Black, to the mere handful of military force that there was, and to the consequences, too horrible to think of, which might have ensued if this insurrection had not been suppressed, to the threat by the insurgents of destroying the White men, and their reputed intentions as to the White women—I think, if ever there were circumstances which, if it be lawful to put martial law into force, called for the application of it, it was this case of the insurrection in Jamaica."

That is the deliberate judgment of the Lord Chief Justice, after having gone through all the matters connected with this case. Although he had expressed himself in no light terms with regard to the cruelties which had been committed, still he saw the difficulty of the position in which Governor Eyre was placed at the time, and the allowance that should be made for the conduct he then pursued. If an affirmative vote on this subject were calculated fairly to convey the impression that we intended to condone what occurred in Jamaica, and to lead men to suppose that we wished to throw a veil over those occurrences, I should not give my voice in its favour; but it is because I believe that it can have no such effect—it is because I believe that the circumstances in which Governor Eyre was placed have not been fairly considered—that he is not to be held responsible for the cruelties and barbarities which were committed at the time, that he has been justly and properly, but at the same time grievously, punished for what he has done, that I feel bound to give my voice in favour of this Vote.

MR. SERJEANT SIMON said, he was anxious, as a native of Jamaica, and as one acquainted with its internal affairs, to give the House his views on this question. He had been present at a slave insurrection in that island many years ago, and therefore he could enter fully into the feelings of panic by which the White inhabitants were carried away during the insurrection in question. It must, moreover, be recollected that there was but a handful of Whites as compared with 500,000 of Blacks, and therefore it was not wonderful that the former should have fallen into a state of consternation. But, having admitted so much, he must add that it was the duty of a British Governor to moderate and calm that feeling, instead of encouraging and giving way to it himself. He entirely agreed with the right hon. and learned Gentleman opposite (Mr. Russell Gurney), that nothing could have been better than the course pursued by Governor Eyre during the first fortnight after the insurrection broke out, for had not the rising been at once checked, it would had spread throughout the country, and all the Whites would have been massacred. No one had ever found fault with Governor Eyre for having established martial law during that fortnight, but what was complained of was, that after he had effectually crushed the insurrection he had allowed cruelties to be practised. The insurrection had been "crushed"—those were his own words; and yet he continued martial law three or four weeks afterwards, during which all those fearful massacres took place, and those floggings with wire whips and other atrocities of which they had heard. Nothing, in his opinion, could excuse, or even palliate, the execution of Mr. Gordon. He was a coloured man, but a man of position and education, and a Member of the Legislature. He was the political opponent of Governor Eyre, and therefore was it the more unfortunate that he should have been put to death as he had been. He was arrested on the 20th, tried on the 21st, and hanged on the 23rd of the month, with 13 other persons. He could not as an Englishman but feel a blush of shame when he thought of those judicial murders, and he could not but think that the taunt of the right hon. Gentleman opposite (Sir Charles Adderley) against the Baptists was as vicious in taste as it was unfounded. It was from the Baptist missionaries that the negroes were first instructed in religion, or received any kind of education. Until they and the Wesleyans went to Jamaica the negroes had been wholly uncared for, and had been kept in a state little short of absolute barbarism. A good deal had been said in the course of the debate about sympathy with ex-Governor Eyre—but no one vouchsafed any consideration for the widowed Mrs. Gordon, her bereaved family, or the murdered negroes. He regretted that the Government had brought forward that Vote, and he trusted the House would not assent to it.

Mr. VERNON HARCOURT said, he had listened with great attention to the speech of his right hon. and learned Friend the Recorder—a speech to which he could pay him no higher compliment than to say that it was worthy of him. His right hon. Friend had stated with judicial impartiality the position of that question. He had told them first of all what were the difficulties in which Governor Eyre was placed, and had also expressed the judgment of the Commission on his conduct under those circumstances. Now, he himself desired not to enter into any discussion of the details of those unfortunate transactions. The Executive Government of the country had been called upon to take their course in reference to that matter, which was not a party question. Not one Government, but two successive Governments, had had to judge that transaction; one Government dismissed and removed Governor Eyre from his position in Jamaica, and another, if he recollected rightly, had declined to replace him in that position, or appoint him to any other situation of responsibility. Therefore, the Government had acted on their responsibility in that matter. Now, the House of Commons, representing the people of England, were also called upon to take a responsible part with respect to it, and therefore he could not regard it as a small question; but as one which governed not that case alone, but the position of the House of Commons with reference to those great responsible officers who in distant parts of the world, and in very difficult circumstances, exercised the responsibilities of the English Empire. He made every allowance for the situation in which Governor Eyre was placed. He believed there was at the time a general sense of great danger, which was shared by Governor Eyre himself. He, for one, was not disposed to judge severely any conduct—however harsh it might seem to those who judged after the event—that was adopted by a man acting in a position of great responsibility in regard to men who looked to him for the defence of their lives and their property, at a moment when he felt that some catastrophe, of which he could not measure perhaps either the imminency or the extent, was at hand. But they had a right to expect from a man in such a situation the conduct which they had witnessed in their time with admiration on the part of a man who added lustre to a great name by adding to the title of Canning an epithet which was applied to him in obloquy, but which would remain to all posterity as his greatest claim to the gratitude of his country, when he was called in the panic-stricken journals of the day "Clemency Canning." Why was the late Lord Canning so called? Because he was a man of cool and calm courage, who knew how to resist the panic by which he was surrounded, and to be merciful when others were terrified into cruelty. It might not be given to every man to emulate the calm heroism of Lord Canning, but that was an example which the House of Commons ought to hold out to our colonies and dominions abroad as that which they wished to see imitated. His right hon. and learned Friend the Recorder, in passing judgment—for he did pass judgment in his speech—on Governor Eyre, had pointed out that it was not in the moment of danger that those severities were practised, it was after the danger had passed away. That, to his own mind, was the great difficulty in the case. He would have pardoned everything in the moment of danger; but it was the transactions which occurred when the danger had passed and the insurrection had been quelled which it was impossible to justify. His right hon. and learned Friend the Recorder had told them that there were unnecessary severities, that there was barbarous conduct, that thousands of houses were unnecessarily destroyed; and to whom were they to look for responsibility under such circumstances if it was not to the man they had placed at the head of affairs? And if they came to the conclusion that those things had been done, then they could only take the course which two Governments in succession had taken, and condemn the conduct of the person who ought to have checked the acts which his right hon. and learned Friend himself had strongly condemned. The only point in regard to which he differed from his right hon. and learned Friend was not the legal or judicial sentence which he pronounced, but the political conclusion at which he arrived. The hon. Member for Falmouth (Mr. R. N. Fowler) had laid down the very strange doctrine that if the Government were not prepared to prosecute Governor Eyre criminally, they were bound to defend him. He could not agree to that doctrine at all. It seemed to him that where they were unable to justify the conduct of a person they might look to him to defend himself; and that appeared to him to be the conclusion which should follow from what they had heard from his right hon. and learned Friend the Recorder. If he could approve, with some hon. Gentlemen opposite, of the conduct of Governor Eyre throughout all these transactions, he should be in favour of voting that sum of money for his defence. But he could not understand how those who, without wishing to speak harshly of Governor Eyre, yet thought he had done wrong, could justify voting money out of the taxes of the people for the defence of conduct which they themselves felt to be indefensible. On those grounds, without desiring to say one unnecessary word against Governor Eyre's conduct, yet believing that, after making every allowance for him, his conduct was erroneous, and could not be defended, he must oppose the present Vote.

MR. GLADSTONE: Sir, at the commencement of this discussion my right hon. Friend the Chancellor of the Exchequer, in a very brief statement, explained the footing upon which it was the desire of the Government to refer this matter to the judgment of the House, and to rest their own conduct with respect to the reference so made. My right hon. Friend scarcely touched the merits of the case, and stated that the motive which had governed us in asking the House of Commons to vote the sum which we now request from them, was the circumstance that we had found what we deemed to be a substantial engagement contracted with Governor Eyre on the part of our predecessors, and that we thought ourselves bound in honour and in policy to fulfil that engagement. The statement of my right hon. Friend was severely commented on by a right hon. Gentleman who is sometimes, but rarely, severe in this House —I mean my right hon. Friend the Member for North Staffordshire (Sir Charles Adderley), who said the course that we pursued was rather a shabby one. He complained of our want of courage in declining to state our opinion upon the merits; and, further, he entirely denied the existence of the engagement on which we rest this proposal. As was to be expected, that portion of the speech of the right hon. Gentleman drew forth animated cheers from the opponents of this Vote, and I did not think, considering the earnestness, I might say the vehemence, with which my right hon. Friend pleaded the cause of Governor Eyre, that in denying the existence of that engagement he showed in as conspicuous a degree the skill of an advocate which he sometimes exhibits in this House. But does my right hon. Friend really think that it was owing to the want of courage on our part that we said nothing on the merits? Did it never occur to him that our reason for saying little on the merits might possibly have been that if we had entered upon them we should have been compelled to treat them in a way not the most favourable to the success of this proposal? Now, I do not at all shrink —I think after this discussion it would not be right to shrink—from stating, in the measured terms and the candid spirit of which my hon. and learned Friend the Member for Oxford (Mr. Harcourt), and many other hon. Gentlemen have set an example in this debate, the light in which the question presents itself to us. But I do think that my right hon. Friend the Chancellor of the Exchequer would have grievously erred if at the commencement of this discussion, and antecedently to the manifestation of the general disposition of the House, he had entered on a course of observation which would have diminished the force of the proposal he was about to make, and certain, as I think, to cast doubt on the sincerity of that at which we intended at least to aim—namely, the fulfilment of the engagement that we acknowledged to exist. As far as the merits are concerned—apart from the warm feelings it is so difficult to control in a matter of this kind, we must all admit that the subject is one of great and real difficulty. We must set out with a consideration of what was due to Mr. Eyre before these unhappy occurrences. It had been my lot in the course of my official life to become acquainted with him, and to contract a real respect and regard for him at the period of his very remarkable journey in South Australia to which the right hon. Gentleman opposite has referred. And, undoubtedly, there was no one who was better entitled before the rebellion in Jamaica to claim all the credit and honour which can attach to the honourable and effective discharge of public duty in the service of the country. With these feelings I would also point to some speeches which we have heard in this debate. I may mention for one the speech of the hon. Member for Falmouth (Mr. R. N. Fowler), which was most creditable to his temper and his feelings, but one which serves to exhibit to every candid mind the great and real difficulties of this question. Therefore, whatever conclusion we could have come to upon the merits, we certainly should not have come to it in the spirit or with the disposition of casting reproaches upon those who had arrived at an opposite result. But I am bound to say that if the question had been submitted to us free from all consideration of prior engagement, while admitting these conditions, while entirely forbearing to censure those who might have taken a different course, we should not have thought it our duty to be the authors of a proposition such as this. And, therefore, my right hon. Friend will see it was not want of courage towards those who are opposed to the Vote we now submit which prevented the Chancellor of the Exchequer from entering upon the question of the merits of the case. The discussion which has occurred, apart from any argument we might have felt called upon to offer, has sufficiently informed the House of the grounds upon which a decision may be come to. The right hon. and learned Member for Southampton (Mr. Russell Gurney), who had conferred upon the Government and the country great services in the prior stages of this question, has rendered another service by his speech this evening, because all those who listened to that speech, whether they agreed in the conclusion to which he arrived or not, must have felt how valuable a contribution it formed to the materials for the formation of an accurate and impartial judgment. It was so recognized most justly by my hon. and learned Friend the Member for Oxford, who treated the subject in a similar spirit of impartiality, although he arrived at an opposite conclusion. I am sure that is the general opinion formed of it by the House. But, notwithstanding what has been said, it is necessary to make good the statement of the Chancellor of the Exchequer. It was said by the right hon. Member for North Staffordshire that he released us from our engagement; but it is not in the power of my right hon. Friend to do so if the engagement existed. Whether it exists is not to be tested even by his opinion, but by a reference to the documents now in the hands of the House. The case is very simple. In the first place the late Government announced to Mr. Eyre that when the trial has been concluded and they have had the opportunity of considering the evidence, they will then proceed to consider the further question whether they will undertake the payment of the whole or a portion of the costs. The trial reaches its conclusion, the Government resumes consideration on the case, and then on the 6th of June, 1868, Mr. Elliott writes to Mr. Eyre as follows:—

> "With reference to the concluding paragraph of the letter written to you from this department by direction of the Duke of Buckingham's predecessor, on the 7th of February, 1867, stating that Her Majesty's Government held themselves free to consider how far the evidence adduced in the proceedings against you would justify them in reimbursing you any reasonable expenses incurred by you, I am directed by the Duke of Buckingham and Chandos to request that you will submit, for his Grace's consideration, a statement of the costs incurred by you in your defence in the criminal prosecutions which have now been brought to a close."

If the case rested upon that letter alone following the prior intimation that the subject of costs would be weighed, I do not see how my right hon. Friend can satisfy himself that it does not constitute something in the nature of an engagement. My right hon. Friend speaks of courage in this matter. I do not wish to meet it in the way of crimination and recrimination; but I see no great evidence of superfluous courage on the part of my right hon. Friend, or those concerned with him, in the fact that having given that intimation to Mr. Eyre on the 6th of June, it was not until the

6th of November that any further definitive act was taken by the Government in the case. Certainly, if there was abundance of courage, the interval of four months which was allowed to elapse showed that there was not a superabundance; that there was not that redundance of courage which sometimes drives men on in a precipitate career. On the 6th of November comes another letter, which to my thinking clinches the engagement. At that date we find the Secretary of the Treasury writing the following letter to the Solicitor to the Treasury:—

> "I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith two letters from the Colonial Office respecting the payment by Her Majesty's Government of the costs incurred in the defence of ex-Governor Eyre, and I am to desire that you will put yourself in communication with the solicitor of Mr. Eyre, as suggested in the Colonial Office letter of the 31st of July, and advise my Lords as to the amount to be defrayed by Her Majesty's Government."

The only question remaining after that letter is noted is whether that injunction of the Secretary to the Treasury was immediately obeyed, and those who are curious on the subject may find on page 46 a letter from the Solicitor to the Treasury, dated the 22nd of April, 1869, which refers to the letter of the 6th of November, and states that, in obedience to their Lordships' command, he put himself immediately in communication with Mr. Eyre's solicitor, requesting to see his bill of costs. The Government, therefore, promised consideration of the case after they had had an opportunity of considering the evidence; when they have had that opportunity they write to say the case will be considered; they then arrange the matter between the Colonial Office and the Treasury, doubtless—I cannot question it from the importance of the matter—with the assent of the entire Government, and then, in the month of November, the Solicitor to the Treasury receives his directions to place himself in communication with the solicitor of Mr. Eyre, to ascertain the amount of his bill of costs. It is impossible to conclude from this that anything short of a perfect engagement has been formed, which it is certainly for the honour of the Government to redeem. Under these circumstances, and giving the matter the best consideration we can—while admitting the difficulties with which the case is beset at every step, neither claiming any credit for ourselves nor casting any blame upon others in the matter, yet we believe we should best discharge our obligations to the country by giving to the House of Commons an opportunity of freely examining and weighing the whole matter. It has been said by one of the speakers that we have endeavoured to overcome the difficulty by a technical consideration, or that we are influenced by a point of honour between the two Governments. That, however, is an entire misapprehension of the case. There is no point of honour between the two Governments. It is not as a matter of honour towards the former Government that we take up this engagement; it is as a matter of honour towards Mr. Eyre, and on a question of the general principles upon which the service of the country must be adopted. I am bound to say, and I am quite sure that hon. Gentlemen opposite would state as frankly as I do now, that the fact of this having passed through the hands of two Governments does not bind the House of Commons. The fact that we recognize the acts of the late Government leaves the matter where it was; and if, according to a just and true statement made by the right hon. and learned Gentleman the Recorder, and by the hon. Member for Falmouth, and in accordance with any representation of the many cares and anxieties and losses which Mr. Eyre has gone through in conjunction with the errors into which he has undoubtedly fallen, this Vote be passed or rejected, it will be a perfectly free, unbiassed, and independent judgment of the House.

MR. GATHORNE HARDY: Sir, I will only detain the Committee a very few minutes. I entirely concur with the right hon. Gentleman as to the conduct of the former Government, and I do not agree that there was no promise. There was certainly something equivalent to a promise, for there was a promise of consideration; and when the Colonial Office had received these accounts they were forwarded to the Treasury, not to consider whether anything was due, but how much was due. There was, therefore, an admission on the part of the then existing Government that something was due. It has been said that no steps were taken by the Government in the matter between June and November, but of that delay the clearest explanation is afforded in the Papers. The sum total of the costs was sent in upon recept of the letter despatched by order of the Duke of Buckingham. The Colonial Office then asked for particulars; but it was not till late in November that Mr. Eyre's then solicitor sent in the items, and I may observe here that Mr. Eyre had reason to complain of his solicitor—for neglect I suppose—and subsequently changed his solicitor. At all events the Government had nothing to do with the delay. Passing now to another point, I wish that some hon. Gentlemen opposite who, from the best motives, have taken a strong part against this Vote, had been animated with the same spirit as the late Mr. Charles Buxton. In writing to one of his constituents Mr. Buxton said—"I, for one, should be glad to learn that the present Government had undertaken Mr. Eyre's defence." Mr. Buxton, therefore, took a different view from that which is taken by his friends here. His anxiety was that everything should be done for Mr. Eyre, but at the same time that there should be a full and fair trial. I have been much surprised at some of the remarks of the hon. and learned Gentlemen (Mr. Osborne Morgan and Mr. Serjeant Simon). They stated that Mr. Eyre shrank from a trial before a jury of his country. Now, a man cannot be tried except through a Grand Jury, and upon two occasions the Jamaica Committee presented their own witnesses, and put before the Grand Jury the strongest *primâ facie* case they possibly could, and had to meet no rebutting evidence; yet the Grand Jury ignored the bills. What followed? Mr. Eyre was brought before the magistrates as an accessory to the murder, and it is said that a technical objection was taken. But the Grand Jury had ignored the bills upon the charge for murder, and it would have been absurd, therefore, to try Mr. Eyre for being accessory to a murder when the Grand Jury were of opinion that no murder was ever committed. Then Mr. Eyre was indicted for misfeasance of office, upon an elaborate indictment embracing various offences short of murder. In the other case we had the Charge of the Lord Chief Justice, which the hon. Member for Leicester admits to have been most effective on his side of the question, and yet the Grand Jury ignored the bill. Afterwards we had the Charge of Mr. Justice Blackburn. It is said that the Lord Chief Justice disagreed with that Charge. It is true he disagreed as to the presentment of some of the facts; but if it were not for fear of wearying the Committee, I could show, from the mouth of the Lord Chief Justice himself in the Court of Queen's Bench, that in laying down the law of the case he and the other Judges concurred with Mr. Justice Blackburn. Practically, the Grand Jury of Middlesex received the whole judgment of the Court of Queen's Bench as to the law, but they did not find a bill. Then it is stated that Mr. Eyre avoided the service of the summons. The fact is that he lived in Shropshire; the Jamaica Committee had an opportunity of again presenting the case before the magistrates there; and again they failed. Are you to impute to magistrates, to Grand Juries, and to Judges who charge Grand Juries, a failure of justice, and say that it resulted from their bias—that you were right and that everybody else was wrong; or are you not to say that magistrates, Grand Juries, and the country at large came to a sound conclusion when they held that, whatever Mr. Eyre's mistakes had been, he acted to the best of an honest judgment under difficult and trying circumstances; that if he failed, he was endeavouring to serve the Crown to the best of his ability, and that they would not, therefore, condemn him for certain excesses committed without his cognizance or direction? The hon. Member opposite (Mr. Gilpin) told us that he found no fault with Mr. Eyre's conduct up to October 20. Now, I accept the judgment of the Royal Commissioners that martial law was protracted for too long a period; but is that to be a ground for condemning Mr. Eyre? Remember the difficulties in which he was placed. Remember that every magistrate, every missionary and clergyman—["No!"]—well, geat numbers of them—supported him in the proceedings he took. Is it not just that we should endeavour to put ourselves in his place, and say whether a man of ordinary firmness and discretion—because that is the test you must apply—would have done otherwise than he did? We have heard an argument as to the suspension of particular laws. Let us take the case of Westmeath, where the ordinary law was suspended long after quiet was restored and agrarian crime had ceased. But when the ordinary law was re-established in Jamaica what occurred? Sir Peter Grant had still to treat the disturbances as an organized conspiracy and a regular insurrection. I find that there were then tried for acts growing out of the insurrection 2 prisoners who were condemned to death, 15 to penal servitude for life, 11 to penal servitude for 20 years, 2 for 10 years, and 1 for two years, 7 women being among these criminals. Here, then, were over 30 people against whom it was thought necessary to proceed long after the time when you say the insurrection was suppressed. There is no question here of giving to Mr. Eyre any reward or testimonial; the question is—Are we not to prevent a man from being overwhelmed by the pressure of these costs? Mr. Eyre is a man who, up the time of those occurrences, had been for 25 years a good, honest, straightforward servant of the Crown.. He had no personal object to serve in what he did in Jamaica. His sole duty, and his sole object, were to preserve the colony for the Crown. He succeeded in preserving it; and when you tell me of the good order which was afterwards preserved there under Sir Henry Storks and Sir Peter Grant, you must take into account the severe measures which were necessary to repress the insurrection before. When a public servant had been attacked and prosecuted by an irresponsible body who could not find a groundwork on which to bring him before a jury in a Court of Law, and when it is admitted that this man had served his country well for a long period and still intended to do so to the best of his ability, I, for one, maintain that at least he should not be ruined by the cost he has been obliged to incur, and therefore I shall give my hearty support to the Motion.

Question put.

The Committee *divided*: — Ayes 243; Noes 130: Majority 113.

(4.) £5,485, to complete the sum for Miscellaneous Expenses.

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £976,468, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Customs Department."

MR. OTWAY said, he had a statement to make on the subject of this Vote which would occupy him some considerable time. The hour was already late, and he should therefore move that the Chairman report Progress.

THE CHANCELLOR OF THE EXCHEQUER said, he would suggest that the hon. Gentleman might make his statement then, and Progress could be reported later on.

After short discussion,

House *resumed.*

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee also report Progress; to sit again upon *Wednesday*.

SUPPLY.—REPORT.

MR. F. S. POWELL said, that he must complain that the First Commissioner of Works had departed from usage in altering the lighting and ventilation of the House without authority from Committees, which had hitherto regulated these matters. The new arrangement would be prejudicial to the health of Members, especially during the winter months.

MR. AYRTON said, he had not introduced gas into the library, but as the burners already there did not afford sufficient light, they had been placed in a better position and supplied with globes. Similar arrangements in the newspaper-room had been approved. No doubt there was a prejudice against gas, as there used to be against coal fires; but he had merely utilized the gas burning in the House.

MR. SCLATER-BOOTH said, he thought the complaint which had been made might have been met with more consideration by the right hon. Gentleman.

LORD CLAUD HAMILTON expressed dissatisfaction with the alteration made in the lighting of the Library.

First Four Resolutions *agreed to.*

Fifth Resolution read a second time.

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

MR. RYLANDS said, that on a former occasion the then Secretary to the Treasury (Mr. Stansfeld) stated that no money would be asked for rebuilding the Embassy House at Constantinople until the Estimates had been laid on the Table. The old house that was burnt down cost £200,000, and a good opportunity presented itself for the Committee to consider whether it was desirable to rebuild an establishment of such an expensive character. He therefore asked for the postponement of the Vote in order to take the opinion of the Committee upon the subject.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the further Consideration of the said Resolution be postponed,"—(*Mr. Rylands,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. AYRTON said, no advantage would be gained by the postponement of the Vote. Last year the Vote was not questioned, and, of course, the Office of Works proceeded to carry out what the Committee had sanctioned. After the fire, inquiries were made by two different competent persons sent specially to Constantinople for the purpose, at different times; but they both agreed as to the cost of restoring the building, and that being so the Government on receiving the second report determined to restore the Embassy, that being the most economical course to pursue, and accordingly a small sum was taken for that purpose in last year's Estimates. It was now proposed to sell these properties and begin again; but that policy had not always proved successful. He must say, however, that such a policy had not been submitted to him. His duty was to see that the works were carried out properly and economically.

MR. RYLANDS asked whether the Government had entered into a contract for this building?

MR. AYRTON said, the works had been commenced, but they were not being done under a single contract. The expenditure would be kept within the estimated sum.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Sixth Resolution *agreed to.*

The Seventh Resolution being read a second time,

Mr. Rylands

MR. STOPFORD-SACKVILLE moved to reduce the Vote by £794 2*s.*, as it was obviously a mistake.

Amendment proposed, to leave out "£251,472," in order to insert "£250,677 18*s.*,"—(*Mr. Stopford-Sackville,*)—instead thereof.

VISCOUNT ENFIELD said, the hon. Gentleman was quite right in calling attention to this Vote, in respect to which a mistake had been committed.

Question, "That '£251,472' stand part of the Resolution," put, and *negatived.*

£250,677 18*s. inserted.*

Resolution, as amended, *agreed to.*

Subsequent Resolutions *agreed to.*

GRAND JURIES (MIDDLESEX) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to regulate the summoning of Grand Juries in Middlesex, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH, Mr. RUSSELL GURNEY, and Lord GEORGE HAMILTON.

Bill *presented,* and read the first time. [Bill 235.]

BASSES LIGHTS (CEYLON) BILL.

On Motion of Mr. ARTHUR PEEL, Bill for making better provision for the erection of Lighthouses on the Great Basses Rock and on the Little Basses Rock in the Colony of Ceylon, *ordered* to be brought in by Mr. ARTHUR PEEL, Mr. CHICHESTER FORTESCUE, and Mr. BAXTER.

Bill *presented,* and read the first time. [Bill 234.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 9th July, 1872.

MINUTES.]—SELECT COMMITTEE—*Report*—Appellate Jurisdiction.

PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Supplemental (No. 2)* (201); Pier and Harbour Orders Confirmation (No. 3)* (202).

Second Reading—Local Courts of Record* (185); Registration of Births and Deaths (179); Chain Cables and Anchors Act (1871) Suspension* (163).

Third Reading—Infant Life Protection* (187), and *passed.*

Withdrawn—Limited Owners Improvements (154).

LIMITED OWNERS' IMPROVEMENT BILL.

(No. 154.)

(*The Marquess of Salisbury.*)

COMMITTEE. ORDER DISCHARGED.

Order of the Day for the House to be put into Committee, read.

THE MARQUESS OF SALISBURY said, that in consequence of the state of Public Business, there was very little chance of a Bill coming to a successful issue during the present Session if it were opposed, and he believed that this Bill would be opposed by the House of Commons: it was in the power even of a few Members to prevent the passing of a Bill in so short a time as remained from the present date till the end of the Session. Under those circumstances, he would not put their Lordships to the trouble of going into Committee on this Bill; but acting on his own judgment and that of a noble Friend, whose knowledge of the laws of land tenure was very well known, he would re-introduce the Bill early next Session, with the object of having it read with as little delay as possible, and then referred to a Select Committee, who might go into the whole question. In reference to some comments which had been made on the Bill since it was last before their Lordships, he might observe that he could hardly expect the Land Society to be in its favour, as that Society would, no doubt, regret to find that its dividends were no longer to be paid by landed proprietors. It had been said that the Act of 1864 was sufficient to effect all the objects of the Bill. But he found that since the passing of that Act the amount spent under it on farm buildings was £71,000, and for labourers' cottages no more than £8,000—which he supposed would give an average of three farm buildings and eight labourers' cottages a-year. He did not think those results could be regarded as satisfactory. The only danger for the Laws of Settlement was the imputation that under them nothing was done for the improvement of the land. If that imputation were removed, the foundation which the Laws of Settlement had in the affections of the English people were too deep that they should ever be swept away. He would only move that the Order for the Committee be discharged.

Order *discharged;* and Bill (by Leave of the House) *withdrawn.*

REGISTRATION OF BIRTHS AND DEATHS BILL.—(No. 179.)

(*The Earl of Morley.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY, in moving that the Bill be now read the second time, said, it was one to render the registration of births and deaths compulsory in England instead of permissive as at present. The Act regulating the present system of registration was the 6 & 7 *Will.* IV., c. 86; but since the passing of that enactment compulsory Registration Acts had been passed for Scotland and Ireland. In England and Wales there was no penalty whatever attached to the omission to register a birth. In the case of deaths there was a penalty of £10 on the official who buried any person without obtaining from the undertaker a certificate of death signed by the registrar, or, in case no certificate was produced, without giving notice to the registrar of the district immediately after the burial. Under the present law, neither in the case of births or deaths was it compulsory on the relatives, or any other person, to give the information to the registrar in the first instance. This Bill proposed to render the notice compulsory, and threw the duty upon the relatives or some other "qualified informant." In the case of births the obligation was thrown primarily on the parents; but where there were no parents, on the occupier of the house —which included the resident officer of any public institution—in which the birth took place, and some relative of the child or other person present. It provided, also, that notice should be given to the registrar of any living new-born child found exposed. As regarded deaths, the Bill provided that the death of every person dying in England should be registered. It threw the duty of giving notice to the registrar, in the case of a person dying in a dwelling-house, upon the relatives present, or, in the absence of any relative, upon some person present at the death, and the "occupier." Then followed a provision for notice in case the death did not take place in a dwelling-house or the body was found exposed. It was provided that no death should be registered without the production of the certificate of the medical attendant, or, where there had been none, on the joint statement of two informants. There was also an amendment of the provisions for the registration of births and deaths at sea.

Bill read 2ª (according to Order) and *committed* to a Committee of the Whole House on *Friday* next.

IRELAND—GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH—LETTER OF THE EARL OF GRANARD.—OBSERVATIONS.

VISCOUNT MIDLETON: My Lords, I rise to call the attention of the House to a letter in the Freeman's Journal of 25th June, purporting to be addressed by the Earl of Granard, the Lieutenant of the county of Leitrim, to a meeting held in Dublin on the 24th of June, in the following terms:—

> "Mullingar, 10th June 1872.
>
> "Gentlemen—It would have afforded me the greatest pleasure to have acceded to your invitation, conveyed in such complimentary terms, to preside at the meeting of the inhabitants of Dublin to protest against the scurrilous invective and the insulting accusations which Mr. Justice Keogh has thought fit, in reference to the clergy, to embody in his judgment in Galway. But I have decided for the present to take part in no public meetings, for reasons which I am certain will plead for me a valid excuse for not making an exception in favour of your proposed meeting. It is, however, I am sure, unnecessary for me to say how fully I enter into the objects of the meeting, or to express my hope that it will be a great success, as an additional proof, if any were required, of the indignation with which the catholic laity of Ireland have ever repelled the offensive charges which the malignity of their enemies have from time to time endeavoured to fasten upon the honour and reputation of their devoted clergy. I have the honour to be, gentlemen, your most obedient servant, "GRANARD.
>
> "The Hon. Secs. Galway Judgment Protest."

I beg to assure your Lordships at the outset that it is not my intention on this occasion to enter in any way into the merits or demerits of Mr. Justice Keogh's Judgment, or to discuss that memorable decision on a case the evidence in which is not yet before your Lordships' House. My painful duty is to bring a grave charge against a Member of your Lordships' House—a charge so grave and so serious that I am glad to see the noble Earl, the subject of it, present in his place—because if he were absent it would have been most unpleasant to me to bring such a charge forward. It will be within the knowledge of your Lordships that the Judgment of Mr. Justice Keogh excited much interest and gave rise to much comment in many parts of the kingdom, and especially in Ireland. It appears that certain persons came to a determination to hold what is called an "indignation meeting" in Dublin at the end of last month; the object being a constitutional one, whatever we may think of its prudence—namely, to petition Parliament to address the Crown for the removal of Mr. Justice Keogh from the Bench. The right to hold such a meeting I do not deny—but it would seem that this meeting, being in want of a chairman, applied to the noble Earl opposite (the Earl of Granard) to do it the honour of presiding over it; and, in reply to the application made to him, the noble Earl wrote the letter which I have brought under the notice of your Lordships. Another individual was also asked to preside over that meeting—Sir Dominic Corrigan, one of the Members for the City of Dublin, who is no milk-and-water politician. In a letter which did him infinite credit he assumed a decided position, and at once declined to take any part in the meeting. He stated in his letter that if a Member of Parliament meant to impugn such a judgment as that of Mr. Justice Keogh, he ought to do so in his place in the House of Commons when the evidence was before that House. But the noble Earl, I regret to say, adopted a different course. The noble Earl commenced his letter by saying that it would have given him the greatest pleasure, under other circumstances, to take the chair. My Lords, if a Peer of Parliament has any complaint against one of the Judges the only place in which that complaint should be made is in the midst of your Lordships and on the floor of this House. Had such a Motion been brought forward I feel persuaded that it would have been received by your Lordships with the attention which the House always bestows upon any such subject; but up to this moment no Notice stands in the name of the noble Earl on the Paper of this House that he has any intention to impugn the Judgment of Mr. Justice Keogh. The noble Earl was in his place last evening, but I do not find that he has given any such Notice. Well, my Lords, the noble Earl, having commenced his letter in the terms I have stated, goes on to describe the Judgment of Mr. Justice Keogh as replete with "scurrilous invective and insulting accusations." This letter was written on June 10, before any Papers in the case had been laid before Parliament; so that the noble Earl must have taken his information as to the trial and judgment from sources which we all know to be untrustworthy—namely, the reports in the newspapers. When giving evidence before a Committee on the Irish Land Amendment Act, the other day, Chief Justice Monahan said that so inaccurate were the reports of law cases in the Irish newspapers that he made it a point of duty never to read them.

THE EARL OF KIMBERLEY: I rise to Order. It is not in Order to refer to evidence given to a Committee before that evidence has been presented to your Lordships' House.

VISCOUNT MIDLETON: Well, I withdraw what I have said as to the statement made to the Committee; but I can appeal to the experience of those Members of your Lordships' House who are learned in the law, when I say that law reports in newspapers cannot be depended on unless they have been corrected by an authorized reporter, and that a Judgment cannot be accepted as accurate unless it has been corrected by the Judge who delivered it; I say, therefore, that the course taken by the noble Earl would have been wrong on the part of any ordinary Peer. But the noble Earl is no ordinary Peer. Her Majesty, or at least successive Governments, have bestowed an accumulation of honours upon him, until he is a Knight of St. Patrick, Lieutenant Colonel and Commandant of the Westmeath Militia——

THE EARL OF GRANARD: No, not Commandant.

VISCOUNT MIDLETON: And Lord Lieutenant and Custos Rotulorum of the county of Leitrim. Your Lordships have no doubt heard that the Tipperary Militia burnt Mr. Justice Keogh in effigy. After such an occurrence one may well feel some dismay at what may occur in Westmeath, since the Militia there know that they have a sympathizing colonel who has expressed his feelings so graphically and energetically as Lieutenant of a county. It was in reference to that latter capacity that he wished to call their Lordships' attention to this matter. Mr. Gladstone stated the other day that the Lieutenant of a County was an officer of such high authority that any accusation brought against him was not a matter which could be disposed of by a simple Question and Answer. That is my reason for bringing the matter forward in your Lordships' House, and charging the noble Earl to his face with a grave dereliction of his duty. Your Lordships know how strong party feeling rises in Ireland and how easily it is excited. I turn then to the noble and learned Lord on the Woolsack, and I ask him whether such language as that contained in the noble Earl's letter is language which should have been used by the Lord Lieutenant of an Irish county, who had not read the evidence in the case nor the authorized notes of the Judgment, in reference to one of Her Majesty's Judges? I turn to the Lord Lieutenant of Ireland and I ask him whether such conduct as that of the noble Earl strengthens or weakens the hands of the Government, when the writer of that letter is one of its ardent supporters? I ask your Lordships whether it is to the honour and credit of your Lordships' House that such should have been the conduct of one of its Members? I take leave to say that no more evil example could possibly have been set than that which has been set by the noble Earl; and, unfortunately, this is not the noble Earl's first offence. It was my misfortune, when a Member of the House of Commons, to hear a lame apology made for him by Mr. Chichester Fortescue, then Chief Secretary for Ireland, about two years since, in reference to what the noble Earl himself explained to be "an historical allusion." The imprudent speech of the noble Earl at that time under discussion was one which Mr. Chichester Fortescue justly described as replete with the most serious evils. I can assure the noble Earl that in bringing this matter forward it is far from my intention to say one word which would unnecessarily wound his feelings—but I feel that great principles underly it. There are cases on record in which the Government of the day visited with severe penalties magistrates whom they held to have acted indiscreetly, and the present is a time when, in Ireland especially, the law must be no respector of persons. There ought to be no spasmodic action on the part of the authorities, but an equal application of the law to high and low—so that the law should predominate over violence, whether of speech or action. If I am asked why I did not bring this charge forward before, I answer because I felt it right to give the noble Earl notice in order that he might be present in his place. If I am asked why I did not postpone it, I have no difficulty in stating my reason. It is because Mr. Justice Keogh is going Circuit on Thursday with his life in his hand, and that, with a chivalry which your Lordships will appreciate, his wife has been threatened; and I believe even his learned colleague has been warned not to go Circuit with him. The time has come for Her Majesty's Government to speak out in earnest. As I said at the outset, I do not intend to give one single opinion upon the propriety of Mr. Justice Keogh's Judgment. What I do venture to submit to them is the propriety of the noble Earl's language in the position of trust and responsibility which the noble Earl holds. I venture to ask them whether they conceive that language towards one of Her Majesty's Judges befits the head of the magistrates of a county, and should their answer be — as I trust for their own sake and for that of the country it will be, in the negative—I wish to know, further, what steps they intend to take with regard to the lieutenancy of the county of Leitrim, in which county any idea of the noble Earl's impartiality or discretion must have been utterly destroyed by his imprudent and unjustifiable language?

EARL SPENCER (LORD LIEUTENANT OF IRELAND): My Lords, I think it will be for the convenience of the House that I should rise at once to answer the Question which has been put by the noble Lord (Viscount Midleton.) The noble Lord did not confine himself in his speech to the terms of the Notice which has now been for some days on the Paper of your Lordships' House; but in the commencement of his remarks he said he thought it was right that attention should be called to the fact that a Member of your Lordships' House had taken part at a public meeting and used expressions which were not befitting him as a Member of your Lordships' House. I hardly think the House will concur with the noble Lord in that view of the matter; for I believe it is open to the discretion of every noble Lord to make a statement on public affairs in this House, or to attend a public meeting of his fellow-countrymen, and make speeches on any matter of public interest. But I will now come to the actual terms of the Question which the noble Lord has put to Her Majesty's Government. I am not prepared to deviate from the course which has been pursued in "another place" with regard to the Questions which have been put on the Judgment of Mr. Justice Keogh and on any subsequent proceedings that have been taken in Ireland. Her Majesty's Government have very grave and important judicial functions to perform with regard to the Judgment of Mr. Justice Keogh. They have to consider most carefully, with the aid of the Law Officers of the Crown, the very voluminous evidence that has been laid before the learned Judge who tried the Galway Petition; and I believe I am correct in saying that the whole of that evidence has not yet been laid before Parliament. Until that voluminous evidence has been carefully weighed and considered by the Law Officers of the Crown, it is the opinion of Her Majesty's Government that they should express no opinion whatever, either on the Judgment itself or on the expressions that have been made use of at various meetings that have been held in Ireland on the subject. I therefore must decline to give any opinion on the letter of Lord Granard, which the noble Lord has brought before the House. But I may say, if Her Majesty's Government abstain from giving any opinion with regard to what has been said, that this does not apply to any legal proceedings that have been taken in Ireland. Various legal proceedings have been taken in consequence of what has occurred since the delivery of the Judgment. The Government have given directions, where it was necessary—and in many cases it was necessary—that prosecutions should be instituted with regard to infractions of the law. Many convictions have been made summarily in Ireland — both in Dublin and other places—and some cases have been sent to the Assizes and are now awaiting trial. I think it is important to state that to the House to show that Her Majesty's Government have not neglected to vindicate the law in respect of matters which have arisen from this Judgment. I would further wish to say with regard to the danger which the noble Lord thinks attaching to the learned Judge, who is now already on circuit—the noble Lord was incorrect in saying that he was about to go on circuit; I believe he went on circuit to-day with his learned colleague—that Her Majesty's Government have given the greatest possible attention to that matter. My noble Friend the Chief Secretary for Ireland and myself have been in constant communication with all the officials in Ireland who are responsible.

VISCOUNT MIDLETON: Responsible for what?

EARL SPENCER: For the protection of life and property. They have given every possible attention to this matter, and I believe every step has been taken for protecting the Judges from insult or from any danger that might possibly occur on circuit. With regard to other topics to which the noble Lord has alluded, I cannot go into them, for I cannot think that this is the proper occasion for raising a debate on this subject. I feel confident that when the proper time arrives we shall be able to satisfy your Lordships that Her Majesty's Government have done everything to vindicate law and order, and everything that it was right and prudent that the Government should do. I regret that I cannot give on the part of Her Majesty's Government any opinion upon the letter to which the noble Lord has referred.

THE MARQUESS OF BATH asked whether Her Majesty's Government would be prepared to express an opinion on the letter before the prorogation of Parliament?

THE EARL OF GRANARD: My Lords, I trust, after what has fallen from the noble Earl the Lord Lieutenant of Ireland, the course I am about to take will not appear to be disrespectful to your Lordships—that of declining at present to enter into an explanation of the subject-matter of the speech of the noble Lord opposite. But I think it is due to your Lordships and to myself to say at once frankly and unreservedly that I did write the letter complained of; that I wrote it in my private capacity; and that I did so under feelings of great indignation, after having read in the newspapers the language used by Mr. Justice Keogh in his Judgment towards the clergy of my Church. I will also state that I acted prematurely in writing the letter before the evidence had been laid on your Lordships' Table. Having stated this much, I trust your Lordships will forgive me if I decline to go farther into the matter. When the proper time arrives I shall be prepared to enter into the whole subject. With regard to what the noble Lord (Viscount Midleton) said of my conduct whilst I was in the temporary command of the Westmeath regiment of Militia, it would appear that he seems to apprehend that the effect of my being in command of that regiment would probably lead to results similar to those which have disgraced the good name of the Tipperary Militia; but I beg to inform him that though the learned Judge was burnt in effigy outside my barrack gate, I was successful in preventing my men from being mixed up with any disorderly proceedings. I think it is unfair to mix my name and the regiment I have the honour to command with the disorderly proceedings that took place, which led to the removal of the Tipperary Militia from Cashel to the Curragh. It is exceedingly unfair, I repeat, when charges of one kind are brought forward, that others should be mixed up with them, without having previously ascertained their correctness.

THE MARQUESS OF SALISBURY: I think your Lordships are hardly satisfied with the statement of the noble Earl whose conduct has been impugned, and who will not either retract or explain in this House the incendiary expressions which he did not scruple to address to a public meeting. He says the time has not come to explain them. I ask how the time had come to use these expressions? If he is so scrupulous that he will not break silence now before the whole of the evidence is before your Lordships, and before the legal investigations are finished, how was it that he did not restrain his cursive and cursing pen until he had an opportunity of knowing whether the expressions which he used were justified by the facts?

EARL GRANVILLE: I rise to Order. It is contrary to the Rules of the House to speak of a Member of it as having used a cursed pen.

THE MARQUESS OF SALISBURY: I should not have thought of using the passive participle. I said "cursive and cursing," not "cursed," and I cannot think the active participle is at all out of place, for if I ever read a letter in which one gentleman cursed another it is this. The noble Earl appears in two characters. As a Member of this House he is a model of caution and discretion; but as a private gentleman in Ireland he writes, under feelings of great indignation, the letter I have described. Like the Governor of Tilbury Fort—"The Man relents—the Governor is firm." It is obvious that the noble Earl (the Earl of Granard) is not likely to be influenced by any discussion in this House, for he has been convicted of a previous offence, and had your Lordships then passed any censure upon him he would probably have shown more moderation; but with regard to the noble Earl the Lord Lieutenant, I venture to take exception to the doctrine he has laid down. The question is not what Mr. Justice Keogh said—there is no necessity for waiting for the evidence to be produced — the noble Earl ought to judge of the act of his subordinate without waiting for that —the question is, whether the Lieutenant of an Irish county is or is not justified in publicly denouncing in vituperative terms the act of one of Her Majesty's Judges; and that question is in no way affected by what Her Majesty's Judge may have done. If he has done wrong, there are authorities who can deal with him; but it is not for a Lieutenant, representing Her Majesty, to point him out to the violence, anger, and fanaticism of a hostile mob. The noble Earl (Earl Spencer) has involuntarily drawn a terrible picture of the state of Ireland. He has told us that the officials charged with that duty are thoroughly awake to the necessity of looking after the life of Justice Keogh. Now, is it not a frightful state of things where a Judge of the land, having delivered such observations as he thought it his duty to offer—I will not now inquire whether they were justified or not, for I have not seen them, and do not know what they are—is so pursued by the hostility of the people among whom he lives that his life has to be protected by the intervention of the two highest authorities in the country? Is it not a still more terrible state of things when a Lieutenant should intervene to point out the Judge to the mob and exasperate their fury against him? I do not deny, indeed, that this proceeding is in some degree in keeping with the policy which the Government have announced in their management of Irish affairs. I believe that to appoint a Lieutenant who hounds on the mob against Her Majesty's Judges, and who publicly eulogizes a rebellion against the British Crown which is still in the memory of living men — I believe that that is "governing Ireland according to Irish ideas." In that respect Her Majesty's Government have been perfectly consistent; but it is useless to preach the maintenance of law in Ireland—it is useless to maintain the most stringent Coercion Act ever inflicted on that country—if they allow persons in high positions to defy the law and point out its ministers to the vengeance of the people.

Lord DUNSANY said, he thought it would be ungenerous to press any charge against the noble Earl opposite (the Earl of Granard), who had confessed that his letter was an imprudent one; but this case was an illustration of the present state of Ireland. No form of intimidation could obviously be more dangerous than intimidation towards the Judges: and he could not but think that this was only the beginning of other outrages to which the Judges and administrators of the law might be subjected. A Chairman of Quarter Sessions, according to an Irish paper, had been prevented from conscientiously discharging his duty by scurrilous letters, written by educated men. Such a habit could not grow without further demoralizing the whole community. Another Judge had received threatening letters, one of them written in Greek. This might be deemed an improvement, if Greek was a substitute for the blunderbuss; but, unhappily, violence also was still exercised. A landlady had recently been shot in the vicinity of Dublin, where she naturally supposed herself safe. In former days agrarian murderers were occasionally convicted, but nearly 20 years had elapsed since such a criminal had been executed.

Earl SPENCER: No.

Lord DUNSANY said, he should be glad to know when the last execution of an agrarian murderer happened.

Earl SPENCER: If I am not mistaken, there were two executions in King's County in 1870 for an agrarian murder —a woman and a man.

LORD DUNSANY said, he believed he was correct in saying that with those exceptions there had been no such executions.

LORD O'HAGAN: There have been others. When I was Attorney General, in 1864 I think, there was a special commission in Limerick, and three men were executed for a single agrarian murder.

LORD DUNSANY was glad to hear it—he was glad to hear that there had been several executions for this crime in recent years; but he believed that in 19 cases out of 20 the murderer escaped with impunity. In past times, when convictions were obtained and the sentences were enforced, the Irish people did not hoot or villify the Judges, but looked upon them as having done their duty. The Judges, he might almost say, were not unpopular; at all events, their lives were safe—as safe as his own was, and that he always imagined to be as safe in Ireland as in England. Judges at that time fearlessly performed their duty; but he was obliged to add that Lords Lieutenant did not then judge the Judges and condemn them unheard. The evil was attributable to the long-continued policy of the Liberal party, that of first considering party interests—he wished he could say party principles, for that would be better—and then the interests of the public. The Government appeared to be under the delusion that Ultramontanism in Ireland was synonymous with Liberalism in England; whereas it was no more consistent with Liberalism in England than on the Continent. The noble Earl opposite (the Earl of Kimberley) took an optimist view of the state of Ireland, but he could not think that view a correct one. Many of the appointments made in Ireland were exceedingly improper and injudicious. He did not deny the right of the Government of the day to appoint their own partizans to office; but the distribution of the loaves and fishes ought to proceed on sound principles. As to the noble Earl (the Earl of Granard), he had of late years, since he became convinced of the Pope's infallibility, shown less moderation in public matters than was desirable, and his language had often been just such as Her Majesty's representatives in Ireland ought not to use—it was too strongly tinged with sectarianism. There were no more honourable men than were to be found among the Roman Catholics, and they ought to be treated with perfect equality; but it was most unfortunate that a Liberal Government should invariably look for support not to the liberal, but the illiberal, or rather the anti-liberal Roman Catholics. Such policy was deplored as a mistake by Roman Catholics themselves.

THE EARL OF PORTSMOUTH said, he looked upon the whole of these proceedings as a chapter of errors. His noble Friend (the Earl of Granard) had certainly done wrong; but, on the other hand, the language of the learned Judge was rather strong language.

THE MARQUESS OF BATH said, what had fallen from the noble Earl who had just spoken showed that one of the most earnest supporters of the Government thought the language used by Mr. Justice Keogh almost seemed to warrant the language used by the noble Earl (the Earl of Granard). Under such circumstances, their Lordships had a right to be put in possession, before Parliament was prorogued, of the views of Government upon this most important subject.

VISCOUNT LIFFORD said, that the old Roman Catholics in Ireland were among the most high-minded men in the country, and it pained them to find that in Galway even the confessional had been prostituted to party purposes. He denied that Mr. Justice Keogh had attacked "the Roman Catholic clergy." Those whom he attacked were individual priests, who had disgraced their order by inducing perjury, and acts and language dishonourable to any men. He believed that Mr. Justice Keogh had attacked these men entirely from his feelings of indignation as an old Catholic at such conduct.

THE MARQUESS OF SALISBURY said, he should like to know whether the Government would or would not answer the Question put to them by his noble Friend behind him?

EARL GRANVILLE said, he had hoped that what had been said by his noble Friend the Lord Lieutenant (Earl Spencer) would have shown that while the Government did not desire, without sufficient opportunities for consideration, to give an answer which might involve an opinion, they would not waste a single day in considering the evidence, and he hoped to be able to inform Parliament of the opinion they had come to upon the matter. But meanwhile he could give the noble Marquess no information on the subject.

House adjourned at Seven o'clock, to Thursday next, half-past Ten o'clock.

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HOUSE OF COMMONS,

Tuesday, 9*th July*, 1872.

MINUTES.]—SUPPLY—*considered in Committee* —*Resolutions* [July 8] *reported*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Committee*—*Report*—Metalliferous Mines Regulation (*re-comm.*) [151-236].

Considered as amended—Mines (Coal) Regulation [150].

The House met at Two of the clock.

PALACE OF WESTMINSTER—DECAY OF THE STONEWORK.

QUESTION.

MR. BUTLER-JOHNSTONE asked the Chief Commissioner of Works, Whether it is a fact that in August 1870 seven different preparations for preserving the stone were tried upon the Houses of Parliament; and, if so, whether any report as to the relative merits of those preparations has been issued; whether it is a fact that, with one exception, all those preparations have failed, and, whether there would be any objection to mark those several experiments with numbers, with a printed reference to the names of their respective inventors, for the information of Members and others viewing them?

MR. AYRTON, in reply, said, that in 1870 eight different preparations for preserving the stone of which the Houses of Parliament were built were experimented upon. But sufficient time had not elapsed up to the present to enable a satisfactory report to be made as to the result. He did not think it would be desirable to convert into a sort of advertisement these experiments of the parties who had applied their various substances to the Houses of Parliament. But if anyone interested in the question desired accurate information there would not be the least objection that the Clerk of the Works should point out what had been done, and give any explanation that might be required. But it should be understood that such facilities would be limited to persons interested in the subject.

THE NEW POST OFFICE BUILDINGS.

QUESTION.

MR. WINN asked the Chief Commissioner of Works, Whether he intends to hold the Contractors of the New Post Office Buildings to their engagement in the event of their being unable to fulfil their contract within the specified time, owing to the strike now existing between the builders and their workmen?

MR. AYRTON, in reply, said, he had already explained to the House that this contract was to have completed the Post Office by the 31st of December last, and that for various reasons that time had been extended; but no question was at present before the Board for the termination of this contract, in consequence of the suspension of the works. When the buildings were completed the question would necessarily arise whether the work had been unduly delayed with reference to the terms of the contract, under which there was a penalty imposed of a certain sum per week for every delay. When that time arrived it would have to be considered whether or not the penalty should be enforced; and, in arriving at a conclusion, of course all the facts and circumstances would be taken into account.

METALLIFEROUS MINES REGULATION (*re-committed*) BILL—[BILL 151.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

COMMITTEE. [*Progress 5th July.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 23 (General Rules).

Amendment proposed, in sub-section 4, line 6, to leave out the word "load," and insert the words "produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and."—(*Mr. Pease.*)

Question proposed, "That the word 'load' stand part of the clause."

Amendment *agreed to.*
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SIR DAVID WEDDERBURN observed, that the first of the "General Rules" in the present Bill was almost identical with the first general rule in the Coal Mines Bill, but he found no provisions in the present Bill for enforcing compliance with the rule. He, therefore, wished to know what means the Home Secretary looked to for securing the efficient ventilation of metalliferous mines?

MR. BRUCE said, that many of the provisions suited for coal mines were inapplicable to mines of the character now under consideration; but what was required was that there should be a sufficient amount of ventilation.

Clause, as amended, *agreed to.*

Clauses 24 to 37, inclusive, *agreed to.*

Clause 38 *struck out.*

Clause 39 and 40 *agreed to.*

Remaining clauses *agreed to.*

MR. BRUCE brought up new Clauses,

(Prosecution of offences)

(Application of Act to the Isle of Man), which were *agreed to*, and *added* to the Bill.

LORD GEORGE CAVENDISH moved to insert the following clause after Clause 10:—

(Mines where not more than twelve persons are employed underground).

"In any mine where not more than twelve persons are employed underground, the returns specifying the quantity of mineral or other material sold from such mine shall be made by the barmaster or other officer employed to collect the dues or royalty, and the owner or agent of such mine shall not be required to send any return specifying the number of persons employed in or about such mine."

MR. BRUCE undertook, if the words were an improvement, that they should be inserted in the 10th clause.

Amendment, by leave, *withdrawn.*

CAPTAIN BEAUMONT expressed a hope that the Bill would be reprinted with Amendments.

MR. BRUCE said, he thought the best mode of proceeding would be to postpone the present discussion until the Report had been agreed to.

MR. LIDDELL hoped, in any case, that a considerable interval would be allowed to elapse. There was no wish to delay the measure; but it was extremely desirable that the changes which had been introduced should be well understood by all parties interested.

Bill *reported;* as amended, to be considered upon *Friday*, at Two of the clock, and to be *printed.* [Bill 236.]

MINES (COAL) REGULATION BILL.

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

[BILL 150.] CONSIDERATION.

Order for Consideration, as amended, read.

MR. BRUCE said, that in accordance with a promise which he had made on a former occasion, he had framed a set of clauses with reference to the appointment of examiners for the purpose of granting certificates, which he hoped would meet the views of hon. Members generally. What he proposed by those clauses was that the Secretary of State should have power to appoint nine persons—three from the class of owners, three from the class of mining engineers or managers of mines, and three from the class of working colliers—who should form a board for the purposes of the examinations in question. The way in which those clauses would operate in practice was, that the Secretary of State would communicate to those respective bodies that they should name to him, through the Inspector, the persons whom they wished to represent them on the board, and there would, he thought, be no difficulty in each of the three classes which he had mentioned meeting with that object, and thus, with the assistance of the Inspector, a board would be formed for the purpose of appointing examiners. The board would frame regulations, too, as to the conduct of the examinations. He was well aware that those examinations must be conducted under very elastic conditions, inasmuch as the various character of the mines throughout the country required the possession of very different qualifications. He had, therefore, deemed it expedient to leave to the boards the duty of framing the rules. They would select the persons to conduct the examinations, and the Secretary of State would have the power of fixing the number and remuneration of the examiners. The right hon. Gentleman concluded by moving, after Clause 24, to insert the following clause:—

(Appointment of examiners for certificates.)

"For the purpose of granting in any part of the United Kingdom certificates of competency to managers of mines for the purposes of this Act, examiners shall be appointed by a board constituted as hereinafter mentioned. A Secretary of State may from time to time appoint, remove, and re-appoint fit persons to form such board as follows: namely, three persons being owners of mines to which this Act applies in the said part of the United Kingdom, and three persons employed in or about a mine to which this Act applies in the said part of the United Kingdom, not being owners, agents, or managers of a mine, and three persons practising as mining engineers, or coal viewers in the said part of the United Kingdom; and an inspector under this Act and the persons so appointed shall during the pleasure of the Secretary of State form the board for the purposes of the said examinations in the said part of the United Kingdom."

Clause *brought up*, and read the first time.

On Question, "That the clause be read a second time,"

Mr. WOODS—who also had a clause on the Paper referring to the same subject—asked what number of boards it was intended to form? There should certainly be, at the least, one in each Inspector's district.

Mr. WHEELHOUSE suggested that the fairest way of constituting the boards in question would be to have placed upon them two coal-owners, two mining engineers, two underground colliery managers, and two practical miners, leaving one person to be appointed by the Secretary of State. It was of the greatest importance, he contended, that that class should be represented on the boards, on whom the whole of the practical operations in a mine depended.

Mr. LIDDELL begged to congratulate his right hon. Friend the Home Secretary upon the success with which he had met the difficulties in the case, which in the eyes of the House appeared to be very considerable. He (Mr. Liddell) should prefer the board of his right hon. Friend to that proposed by his hon. and learned Friend who had just spoken. What was wanted was that local knowledge should be obtained in the ultimate selection of the Board of Examiners, and that there should be a more clear definition of the districts. They had hitherto proceeded on the supposition that the districts would be Inspectors' districts; but he would like to see a more accurate definition of the area of the locality for which the selection was to be made. There ought to be a good Board of Examiners, and he thought it would be better that it should consist of a small than of a large number of members. He was disposed, however, to support the machinery proposed in the present clause.

Mr. FOTHERGILL thought the functions of the machinery of the clause were too limited, as they only applied to the appointment of the board to select examiners. He could not see any rule laid down as to the number of examiners to be appointed or from what class of persons they were to be selected.

Dr. LYON PLAYFAIR pointed out that while the members of the board, who were only to elect the examiners, were to be paid under the Bill, there was no provision for the payment of the examiners themselves, who were to do the work from year to year. It would be far better to make provision for the payment of the examiners than for the payment of the board who elected them.

Mr. BRUCE said, that in order to enlarge the area of selection he would propose after the words "mining engineers" to insert "agents or managers of mines." As a matter of fact, the manager of a mine had gone through his apprenticeship to the work before he was put in the position of manager, and might be a very fit person for selection. The reason why he had not mentioned either the districts or the number of examiners was that he was very anxious not to fetter the discretion of the Secretary of State by extra regulations. In the first instance, undoubtedly, the present districts should be taken; but if a subsequent Secretary of State were to diminish the districts, it might still be expedient to have a board for every district. As to the number of examiners, he had already suggested that it should be three, and in the first instance it would be so fixed. He did not think the hands of future Secretaries of State should be tied, but that they ought to be allowed to make orders and revoke rules from time to time. The hon. Member (Dr. Lyon Playfair) had hit a blot as to the payment of examiners, but that would be removed by a future Amendment, which would make provision for their payment.

Mr. RODEN desired to enter his protest against the adoption of the clause. There was no election in the case, and he thought it little better than a farce to call that a representative board which was merely nominated by the Secretary of State.

MR. HUSSEY VIVIAN could not join with the hon. Member in his protest against this clause. The matter was discussed very fully before, and nearly all were agreed that it would be better to have a representative system; but the system was found to be hedged round with so many difficulties as to render it nearly impossible. It was quite easy for the hon. Member for Stoke to have put such an Amendment on the Paper as would carry out his views, but he had done nothing of the kind.

MR. RODEN said, that the proposal of the hon Member for Northumberland (Mr. Liddell) was on the Paper, and he supported it.

MR. HUSSEY VIVIAN said, he felt confident that whoever was Secretary of State would select proper persons.

Clause read a second time, amended, and *ordered* to stand part of the Bill.

MR. BRUCE moved a new clause—

(Constitution and powers.)

"The proceedings of the board shall be in accordance with the rules contained in Schedule Two to this Act; the board shall from time to time appoint examiners to conduct the examinations in the part of the United Kingdom for which such board acts, of applicants for certificates of competency under this Act, and may from time to time make, alter, and revoke rules as to the conduct of such examinations and the qualifications of the applicants, so, however, that in every such examination regard shall be had to such knowledge as is necessary for the practical working of mines in the said part of the United Kingdom; every such board shall make from time to time to a Secretary of State a report and return of their proceedings, and of such other matters as a Secretary of State may from time to time require.

"There shall be paid each member of such board other than the inspector of the district, such reasonable sum for his attendance at the meetings of the board, and for his expenses, as a Secretary of State may from time to time, with the concurrence of the Treasury, fix."

Clause *brought up,* and read the first and second time.

MR. CANDLISH proposed an Amendment preventing the board from electing any of its own members as examiners.

Amendment proposed, in line 3, after the word "examiners," to insert the words "not being members of the board."—(*Mr. Candlish.*)

Question proposed, "That those words be there inserted."

MR. GOLDSMID thought that a man who would make a good member of the board would also make a good examiner, and if this Amendment were agreed to it might have the object of excluding the very best men from the office of examiners.

MR. BROWN thought that to allow the board to appoint members of their own body as examiners would excite great distrust among the working classes.

MR. BRUCE said, he was not anxious to select the examiners from the members of the board; but he thought there should be a discretion in the hands of the Secretary of State.

LORD ELCHO did not think the limitation necessary in order to prevent these appointments from being jobbed.

MR. ELLIOT thought there was considerable difficulty in the clause as presented, for by its operation the board would be practically nominated by the Inspectors, and that was not desirable. There should be some recognition on the part of the workmen and owners of the fitness of those who sat on the board.

DR. LYON PLAYFAIR was of opinion that, although the principle of the Amendment seemed to be right, it would not be well to agree to it. The number of men in each district possessing the practical qualifications which were required was very limited. To disqualify such persons, therefore, might be to cut off all the best examiners. He thought that if the hon. Member for Sunderland (Mr. Candlish) would consent to have added to his Amendment the words "except with the consent of the Secretary of State," the object which he had in view of preventing jobbing would be secured.

Amendment proposed to the said proposed Amendment, after the word "Board," to add the words "except with the consent of the Secretary of State."—(*Dr. Lyon Playfair.*)

MR. CANDLISH said, he had no objection to those words.

Question, "That those words be added to the proposed Amendment," put, and *agreed to.*

Amendment, as amended, made.

MR. HUSSEY VIVIAN said, that as he understood the clause, no examination was to be held that did not include in it such knowledge as was necessary for the practical working of mines, but subject to that reservation examinations might be held in Hebrew, Greek, Latin, and, in fact, every subject under the sun. Now, it might be that the very best men might be excluded under such a system. If the examination should be extended to all kinds of subjects, the most practical and useful men would be excluded, and, therefore, he proposed to amend the clause by inserting the word "only" after the word "knowledge," and then the clause would read on in the following way:—"In every such examination regard shall be had to such knowledge 'only' as is necessary for the practical working of the mines."

Amendment proposed, in line 7, after the word "knowledge," to insert the word "only."—(*Mr. Hussey Vivian.*)

MR. FOTHERGILL supported the Amendment on the ground that if managers were appointed after passing an examination in which the marks were given for other knowledge than that connected with mining, the most disastrous consequences might ensue. The fact was that most of the best managers were a sort of mining foremen, who knew by rule of thumb when anything wrong was happening in the mine, and were remarkable for their presence of mind and activity of resource.

MR. BRUCE considered the Amendment extravagantly cautious. The examiners would be practical men, who would understand the wants of their own districts and know that many of the largest mines in the country were conducted by men who had very little knowledge except that which they acquired as workmen. Guarded as the clause was already, the danger lay rather in a direction opposite to that indicated by the Amendment.

MR. SCOURFIELD was of opinion that it should be thoroughly understood that the principal knowledge required should be of a practical character.

MR. GOLDSMID thought it would be better to add the word "special" to the clause, so as to make it read that "special regard" should be had to the practical working of mines.

Question put, "That the word 'only' be there inserted."

The House *divided*:—Ayes 43; Noes 174: Majority 131.

Clause, as amended, *added.*

Mr. Hussey Vivian

New Clause—

(Regulations by Secretary of State.)

"A Secretary of State may from time to time make, alter, and revoke rules as to the places and times of examinations of applicants for certificates of competency under this Act, and the fees to be paid by the applicants, so that the fees do not exceed those specified in Schedule One to this Act. Every such rule shall be duly observed by every board appointed under this Act to whom it applies."—(*Mr. Bruce.*)

Clause *brought up*, and read the first and second time.

MR. BRUCE moved in line 3, after the word "Act," to insert "and the number and remuneration of the examiners."

MR. RYLANDS asked whether no check was to be imposed on the Secretary of State as to the number of these paid examiners? The clause gave great power and considerable patronage to the Secretary of State; and, judging from the experience of all Governments, might ultimately lead to great abuses. The system they were now creating was full of danger. It would be extremely expensive, and, so far from improving, would, he fully anticipated, deteriorate the character of the managers of coal mines. According to this clause, they might have any number of examiners, and any amount of money might be paid to them.

MR. BRUCE thought his hon. Friend was needlessly alarmed, both about the extent of the patronage and the amount of money that would be paid. The fees charged, it was thought, would be sufficient for the purposes of the board. But if the allowance made by the Secretary of State was at all improvident there would always be hon. Members in that House to find fault with the arrangement.

MR. STAVELEY HILL must observe that if the hon. Member for Warrington (Mr. Rylands) was needlessly alarmed the right hon. Gentleman had himself to blame for it, having placed on the Paper several new clauses with Amendments which had come into their hands only ten minutes ago, and which they certainly ought to have had more time to consider.

MR. CANDLISH had no doubt the Amendment now proposed would impose a serious charge on the National Exchequer. The great defect of the Bill was that it did not provide that colliery owners should pay the whole expense of working it.

LORD ELCHO entirely agreed with his hon. and learned Friend the Member for Coventry (Mr. Staveley Hill). He suggested that with the view of restricting the expense the words "not exceeding three in each district" should be inserted.

MR. FOTHERGILL said, he was anxious to see the members of the mining community, and discuss with them the point at issue, as well as others involved in the Bill. He should suggest, therefore, that the Bill be reprinted, in order that the Committee might know better what they were about. The passing of the Bill need not in consequence be delayed a single hour.

MR. ELLIOT protested against the argument of the hon. Member for Sunderland (Mr. Candlish) that the expenses of the Bill ought to be borne by the coal-owners, for as it stood it would render the burden which they already had to bear much heavier. He had already commenced an expenditure of £22,000 in consequence of the alterations made by the Bill with regard to the employment of boys.

MR. ALDERMAN LUSK thought the proposal of the hon. Member for Sunderland a very fair one. Shipowners were obliged to pay for the survey of their ships, and he did not see why coal-owners should be exempted from the cost of proceedings to which they were rendered liable for the public good.

MR. BRUCE said, that as the question was a very large one, he had no objection to its postponement.

MR. J. LOWTHER asked when it was to be considered? The augmented patronage which it was proposed to give the Executive was, he contended, a great evil, and the Government, who had done something which he admitted was beneficial with respect to public appointments, would not, he hoped, undo the good—he was about to say the only good which they had done during their tenure of office.

MR. SCOURFIELD thought that, as the Bill was more or less a sentimental piece of legislation to satisfy the feeling that something must be done, it would be hard on the coal-owners that they should be called upon to pay the expense of the experiment.

Amendment, by leave, *withdrawn.*

Clause *agreed to,* and *added* to the Bill.

MR. BRUCE moved a new clause (Grant of certificates on passing examinations).

MR. LIDDELL asked who was to keep the register? Every owner in appointing a manager would have to take particular care in order to avoid penalties under the Act, that the manager was a holder of a certificate, and it was of great importance that the register should be open to every one.

MR. BRUCE replied that the intention was that the Inspector should keep the register.

Clause *added.*

MR. BRUCE moved a new clause (Division of mine into parts).

Clause *brought up,* and read the first and second time.

Amendment proposed, in line 1, to leave out the word "mines," and insert the word "districts," — (*Mr. Hussey Vivian,*)—instead thereof.

Question proposed, "That the word 'mines' stand part of the Clause."

Amendment, by leave, *withdrawn.*

On Motion, "That the clause be added to the Bill,"

MR. STAVELEY HILL moved to omit, in line 7, after the word "tends," the following words, "to lead to the evasion of the provisions of this Act, or otherwise." He held that it was too much to leave it to a Secretary of State to say what tended to lead to the evasion of the provisions of the Act.

Amendment proposed, in line 7, to leave out the words "to lead to the evasion of the provisions of this Act, or otherwise."—(*Mr. Staveley Hill.*)

MR. BRUCE said, all that was meant was to secure that the separation should be a *bonâ fide* one. He objected to the Amendment.

Question put, "That the words proposed to be left out stand part of the Clause."

The House *divided*:—Ayes 142; Noes 82: Majority 60.

Clause *added.*

MR. BRUCE moved to leave out new Clause relating to prosecution of offences, and, in lieu thereof, after Clause 59, insert the following Clause:—

"No prosecution shall be instituted against the owner, agent, or manager of a mine to which this Act applies for any offence under this Act which can be prosecuted before a court of summary jurisdiction, except by an inspector or with the consent in writing of a Secretary of State; and in the case of any offence in which the owner, agent, or manager of a mine is not guilty of an offence, if he proves that he had taken all reasonable means to prevent the commission of such offence, an inspector shall not institute any prosecution against such owner, agent, or manager, if satisfied by him that he had taken such reasonable means as aforesaid."

Clause *brought up*, and read the first and second time.

Mr. HUSSEY VIVIAN moved the omission of the words "by an inspector or," the effect of which would be to remove from the Inspector the power of prosecuting of his own motive.

Amendment proposed, in line 3, to leave out the words "by an inspector or."—(*Mr. Hussey Vivian.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. BRUCE said, that an Inspector never could enter on a prosecution without the consent of the Secretary of State. The clause was introduced in order to protect owners and managers from prosecutions in cases where it was supposed they could not protect themselves, and to ensure that prosecutions were not instituted without careful inquiry into the nature of the cases. After that was done, there was no necessity for interfering with any prosecution which was instituted for a breach of any of the rules.

Mr. GATHORNE HARDY proposed that the right to prosecute should be in the Inspector, or under the direction of the Secretary of State.

Mr. WINTERBOTHAM said, that the clause at present prevented prosecutions by outsiders, and if the right hon. Gentleman's suggestion was adopted third parties would be empowered by the Secretary of State to prosecute.

Mr. GATHORNE HARDY had understood that in all cases the Inspector was to be the actual prosecutor.

Mr. BRUCE observed, that the Secretary of State would have the power to direct an Inspector to institute a prosecution without any such words as those proposed.

Amendment, by leave, *withdrawn.*

Mr. Bruce

Mr. JAMES said, that a mine owner would escape prosecution if the Inspector was satisfied "by him" that he had taken due precautions, so that the owner would have two chances of escape, and one of them on an *ex parte* statement.

Mr. BRUCE observed, that the Inspector would represent the public in the matter; and besides, there would be nothing to prevent any person appealing to the Secretary of State if he thought that the Inspector had not arrived at a proper judgment in the matter.

Mr. STAVELEY HILL said, the Inspectors would have a power analogous to that of the Inspectors of Factories, which had been found to work well.

Words *struck out.*

Mr. HUSSEY VIVIAN moved, after the word "means," to insert "by the publication and enforcement of the provisions of this Act."

Amendment proposed, in line 6, after the word "means," to insert the words "by publication and enforcement of the provisions of this Act."—(*Mr. Hussey Vivian.*)

Question proposed, "That those words be there inserted."

Mr. BRUCE thought that the addition of the words would tend rather to restrict the operation of the clause, which at present applied to other offences than those referred to in the regulations.

Amendment *negatived.*

On Question, "That the clause, as amended, stand part of the Bill,"

Mr. RYLANDS rose to call attention to an omission. Owners, agents, and managers were to be relieved of their responsibility to some extent by the creation of new machinery. The State was to provide Inspectors, with great powers and important duties; they were to point out any matters involving danger. It was quite clear that owners, miners, and agents would be less vigilant than heretofore, and would rely upon Inspectors pointing out to them sources of danger. The Inspector might neglect his duty and disaster ensue; and yet no provision was made for attaching a penalty to the neglect of the Inspector. As had been suggested, a certain measure of responsibility was also assumed by the Home Secretary; and the fact was that when we began to relieve those who ought to be held responsible we did not know where to stop. He had been told by an hon. Gentleman connected with the cotton trade that there were instances in which the Inspectors of Factories had neglected their duties in a very discreditable manner. Many owners would shrink from making improvements that had not been sanctioned by an Inspector, and in this way progress would be retarded by Government interference. He wished to ask what course the Government proposed to take with a negligent Inspector? Dismissal would be no punishment compared with those to which owners and agents were to be subjected.

MR. BRUCE said, the suggestion of the hon. Member would have some cogency if the Government had assented to the proposition, frequently urged, that they should multiply the number of Inspectors, so that they might know what was going on in every mine; but they had not accepted so much responsibility for the security of mines as that extent of inspection would involve. It was not the duty of the Inspectors to visit every mine, and they only entered them when danger was supposed to exist.

MR. BROGDEN would be glad if some greater responsibility than at present existed were attached to the Inspectors.

MR. FOTHERGILL complained that the Inspector would be a perfect autocrat over the mine owner, the agent, and workmen. Under the existing law workmen were very seldom sent to prison for neglect of the regulations, and he hoped that the good feeling which had hitherto existed would not be disturbed by the present Bill. What he feared would be wanted was some power to keep the Inspector in his place, for he would always escape scot free unless any ground for complaint should happen to come to the knowledge of the Secretary of State. While admitting that, as a general rule, the Inspectors of mines were men of high education and superior intelligence, he was compelled to say there were two or three who were not remarkable for those qualifications.

MR. C. SEELY (*Nottingham*) thought that £800 per annum was not a sufficient remuneration to Inspectors, considering the increase of late years in the scale of remuneration of mining engineers.

Clause, as amended, added to the Bill.

Clause 5 (Employment of boys in mines.)

MR. C. SEELY (*Nottingham*) moved an Amendment to the effect that the discretionary power conferred on the Secretary of State to determine in what cases children under a certain age should not be employed in mines should only extend to mines at present at work, and to such mines only for the period of five years after the passing of the Bill.

Amendment proposed, in page 1, line 24, after the word "mine," to insert the words "at present at work and in such mine only during five years from the commencement of this Act." — (*Mr. Charles Seely.*)

Question proposed, "That those words be there inserted."

LORD FREDERICK CAVENDISH hoped the House would not adopt the Amendment. This question had been thoroughly discussed during the last few years, and the persons connected with thin-seamed collieries in his constituency (York, West Riding) had requested him to submit their views to the consideration of the House. Having made inquiry into all the circumstances, he was bound to say that this kind of labour had not a deleterious effect on the health of the children. Mr. Dickinson, the well-known Inspector of Mines, had given strong evidence some years ago in favour of the employment of children in thin-seam mines. The evidence of one of the principal managers of a very important industrial school at Leeds was to the same effect. That gentleman informed him two or three years ago that the number of boys apprenticed from the school was 53, and that this was found to be a very good way of disposing of the boys. They were provided with a comfortable home, they liked the work, and the living was very good indeed. The same gentleman added—

> "In reply to your question, I have to state that the present system has no bad effect on the health or constitutions of the boys. This is shown abundantly by the experience of our schools. As far as I have seen, pit-work does not make boys deformed or more clumsy in appearance than work in the mills."

He objected to the Amendment, because its effect would be to send all young boys into the mills, instead of allowing them to follow the occupations of their fathers in the collieries.

Mr. F. S. POWELL trusted the Amendment would not be pressed, as there had already been a long discussion on the subject in a fuller House.

Mr. RYLANDS remarked that the question was not now submitted to the House in the exact shape in which it was brought forward on a previous occasion, as the Amendment would allow time for arrangements to be made to carry on the work.

Mr. BRUCE said, that boys generally were not to be admitted to the mines until they were 12 years of age, but an exception was made in the case of a certain district, due provision being made for the education of the boys.

Amendment, by leave, *withdrawn.*

Clause 6 (Employment of male young persons in mines).

Mr. STAVELEY HILL proposed to leave out the words "fifty-four," and to insert "one hundred and twelve." He said the Amendment had reference to the number of hours per week and the method of calculating those hours in reference to the work of boys under 16 years of age. He proposed to alter the time from 54 hours in one week to 112 hours in two weeks; and this extension of time from 54 to 56 hours per week could not be considered too great, for the hours of work in mines would still be less than the hours of work for boys under the Factory Act. He calculated the time over the whole fortnight, making it 112 hours for the two weeks, and as there was a considerable amount of holidays in mines arising from irregularities in trade and other causes, it not unfrequently occurred that there were two holidays in one week, and his Amendment would enable the boys who lost time in one week to make it up in the next.

Amendment proposed, in page 2, line 13, to leave out the words "fifty-four," and insert the words "one hundred and twelve,"—(*Mr. Staveley Hill,*)—instead thereof.

Question proposed, "That the words 'fifty-four' stand part of the Bill."

Mr. FOTHERGILL could not support the Amendment. He thought there was no necessity for owners of mines to fight this battle. Their present attitude was a mistake. If coals were increased in price—and they must be increased in price in consequence of the diminution of the hours of labour—the public must pay for it.

Mr. BRUCE reminded the House of the prophecies of national ruin which were so generally indulged in on the passing of the Factory Acts, and there appeared some disposition to anticipate similar injury to the public interests from the adoption of the Bill. No doubt all interference with labour must to a certain extent affect prices; but the question was, whether the interference now proposed was not really necessary for the benefit of the working population? He was afraid he must assume that, as in the Factory Act, so here, it was advisable in the interest of all society that some limitation should be put on the hours of labour. He thought the hon. and learned Gentleman had stated the case very fairly, and he was prepared to adopt the first part of his Amendment and consent to the change from 54 to 56 hours per week. He could not, however, agree to the second part of the Amendment.

Mr. LIDDELL recommended his hon. and learned Friend (Mr. Staveley Hill) to accept the concession of the right hon. Gentleman, which he thought was reasonable.

Mr. MUNDELLA would not be content without taking the opinion of the House against the concession of the right hon. Gentleman. The comparison between labour in the mines and the factories was altogether inapplicable. There was every difference between the atmosphere of a factory and a mine. The hours in factories were only 57 or 58 per week, and the workers must leave the factory for an hour and a-half per diem. In mines the men would not be employed more than 56 hours a-week, and there would no doubt be a power of coercion over boys. He hoped the right hon. Gentleman would stand by his Bill, as fair and reasonable. With regard to the price of coals, it was regulated by the principle of supply and demand, and the present high rate was due to that cause, and not to any increase of wages.

Mr. RODEN was surprised to hear such remarks from his hon. Friend, who usually spoke so sensibly. There was no necessity for inserting 56 in the Bill, for, in fact, there was no chance on earth of the boys being employed more than 54 hours per week. There never was a greater mistake than for his hon. Friend to suppose that the atmosphere of a factory was superior to that of a ventilated mine.

MR. BROWN said, the hon. Gentleman who had just spoken told the House there was no chance of boys being employed 56 hours a-week in a mine; why, then, should he object to the insertion in the Bill of 54 instead of 56?

VISCOUNT GALWAY was in favour of making the number 56.

MR. SHERIDAN hoped that the number of 54 hours would not be exceeded.

MR. MELLY regretted the decision at which the Government seemed to have arrived in the matter.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 2, line 13, to leave out the words "fifty-four," and insert the words "fifty-six,"—(*Mr. Staveley Hill,*)—instead thereof.

MR. BRUCE wished the House clearly to understand why he had made the concession of 56 hours. The utmost that it could do would be to enable boys to be worked a maximum number of 56 hours per week; it must also be remembered that the actual work of the boys was often shorter by an hour or more than the nominal hours during which they were engaged, inasmuch as the time counted not between the commencement of their work and its termination, but from the moment at which they entered the pit to that at which they left it.

Question put, "That the words 'fifty-four' stand part of the Bill."

The House *divided:*—Ayes 96; Noes 75: Majority 21.

Clause 7 (Regulations as to employment of boys and male young persons).

MR. STAVELEY HILL moved to insert "so far as is reasonably practicable." His object was to prevent any offence arising where there was no intention to violate the Act.

Amendment proposed, in page 2, line 19, after the word "shall," to insert the words "so far as is reasonably practicable."—(*Mr. Staveley Hill.*)

MR. BRUCE said, when the subject was before under discussion it was explained that no prosecution would be instituted where the Inspector was satisfied that reasonable precautions had been taken. The words now proposed would nullify the object of the Act.

Question, "That those words be there inserted," put, and *negatived.*

And it being now ten minutes to Seven of the clock, further Consideration of the Bill, as amended, *deferred* till *Thursday.*

SUPPLY—Resolutions [July 8] *reported,* and *agreed to.*

And it being Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock—when

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 10*th July,* 1872.

MINUTES.]—WAYS AND MEANS—*considered in Committee*—Consolidated Fund (£8,000,000).

PUBLIC BILLS—*Ordered*—*First Reading*—Education Rate Apportionment* [239]; General Police and Improvement (Scotland) Supplemental* [238].

Second Reading — Proportional Representation [67], *negatived;* Vaccination Acts Amendment [91], *debate adjourned.*

PROPORTIONAL REPRESENTATION BILL

(*Mr. Morrison, Mr. Auberon Herbert, Mr. Fawcett, Mr. Thomas Hughes.*)

[BILL 67.] SECOND READING.

Order for Second Reading read.

MR. MORRISON, in moving that the Bill be now read a second time, said, that he was asking the House of Commons to consider a very large scheme of Representative Reform. The subject was not altogether new to the House. Mr. John Stuart Mill endeavoured to introduce into the Reform Bill of 1867 clauses embodying the system of preferential voting and proportional representation, which had become familiar to educated men in this country by the writings of Mr. Hare. But the time was not propitious for the consideration of a proposal of so large a scope; we were in the middle of a fierce party struggle, considerations of mere national importance were subordinated to the more immediate and engrossing interest of party success; the debate fell through. In reviving in another form the proposals of Mr. Mill, he might point to the fact that in every civilized country in the world the subject of Proportional Representation had engaged attention, and procured acceptance from some of the ablest and best men of our day, as embodying a remedy for many admitted evils in representative institutions; and to the really astonishing consideration that in three different countries independent inquirers, acting without concert, actually ignorant of one another's existence, had hit upon what was virtually the same remedy for these evils—namely, Mr. Gilpin in Philadelphia, Mr. Andræ in Denmark, Mr. Hare in England; and that in a country circumstanced so differently as regards its social and political constitution as the Canton of Geneva from our own, the same conclusion had been reached by the *Association Réformiste.* But he would prefer to justify his action on more practical grounds. We were on the eve of "new departures" in politics. Parties would soon be organized on new bases. As soon as ever the Liberal party were in Opposition, they would raise the cry of electoral reform. Already there had been hints from a high quarter on this point. That cry would take the form of household suffrage in the counties, and a re-distribution of seats. No legislation could compare in importance with that which was intended to perfect the legislative machine; yet, there was no subject on which national were more apt to be sacrificed to party interests. The events of 1867 were fresh in most minds. At that time the two great political parties seemed to have changed their ground completely—the Conservatives supporting household suffrage, while the Liberals turned round and opposed it by every means in their power. Various reasons had been given for this abnegation on the part of each political party of their professed principles—the most plausible was the widely spread belief that the introduction of the "residuum" would benefit the Tory party. The event showed how unfounded this belief was; but it certainly prevailed at the time. He availed himself of the present lull in party politics to ask for a discussion of a plan founded on justice and national expediency; for it was only in such times that a hearing could be obtained. Now, whenever the time should come for dealing again with re-distribution, the country would demand finality—that there should be an end of the constant patchings and tinkering of the electoral machine in the interest of the party in power for the time being. In his opinion, the only final solution of the re-distribution question was to take population as a basis, and apportion Members according to population. Many persons would say — Why not borrow from America their system of equal electoral districts, each returning one Member? It was because he believed that such a change was distinctly a change for the worse that he ventured to bring forward this Bill, in order to show that it was possible to apportion Members strictly according to population without incurring the evils which in other countries accompanied single equal electoral districts. These districts were only adopted in America in 1840, and, after 32 years' experience, the conviction was growing that they were at the root of many of the evils of the American electoral system. The State of Illinois had already emancipated herself, and had adopted a constitution in which the cumulative vote and districts returning three Members were substituted for the single electoral district, and the change was supported avowedly on the ground that it was a step towards a better and more scientific system—something analogous to the plan contained in this Bill. This feeling was spreading in other States of the Union. An objection to equal electoral districts was that they destroyed all local pride, and all pride in the character of the Representative. A district liable to entire change at the end of 10 years was a mere fortuitous concourse of atoms. If party managers forced upon such a district a candidate of bad personal character, individual electors did not feel the same sense of shame which would be felt under similar circumstances in Manchester, Liverpool, or any of the great English counties; and it was significant that in this country the metropolitan boroughs, which most nearly approached electoral districts in character, returned to the House of Commons men like Roupell and Edwin James. Another objection was that electoral districts inevitably led to "gerrymandering," an American word not yet adopted in our vocabulary, though it indicated a practice not unknown to English party politicians. It is a method of so arranging electoral districts as to make either the most or the least of a local majority. American political life was full of examples. Governor Gerry, from whom the word came, by clever manipulation of the State of Massachusetts, succeeded in preserving for his party a majority in the Representative Chamber long after the majority among the voters had passed away to his political opponents. Here was another example. A friend of his represented, as a Democrat, the town of Columbus, in Ohio. The House was aware that in the United States the Member must reside in the district he represents. The Republicans were in power in the State when the time came for re-arranging the districts. Accordingly, a district was formed composed of a small triangular slice of the town of Columbus, in which was his friend's house, and a great district sparsely inhabited by Republican farmers. He would give the House an example of "gerrymandering" in England. He happened to reside in the West Riding. That county contained a large manufacturing population living in well-defined districts, and giving a large majority to the Liberal party. Now, the West Riding was an oblong district, stretching from the north-west to the south-east. The natural way to divide it was to draw the lines of demarcation roughly across its length, keeping in mind the boundaries of Wapentakes and the physical geography as affecting the lines of communication. But that plan would have left a goodly manufacturing population in each of the three districts, and would make the return of six Liberals probable; so the Reform Bill of 1868 proposed to form one purely agricultural district, consisting of a narrow slice cut off the length of the county, extending, literally, from Lincolnshire to Westmoreland. But he was bound to admit that his own party were just as bad whenever they had the chance. Take the case of Dartmouth. After the Reform Bill of 1832, Sir William Molesworth had the credit of having "gerrymandered" the counties of Devon and Cornwall in the Liberal interest. Dartmouth consisted of the town and a queer-shaped district attached. That was the estate of a certain Whig magnate, and for many years the borough was Liberal. One day, for reasons best known to himself, the Whig magnate turned his coat, the borough thenceforth was Conservative until its disfranchisement. The temptation to "gerrymander" in the interests of the party in power was, in fact, so great, that party managers would avail themselves of it, if they had the opportunity. That was a strong objection to equal electoral districts; and another objection was that the system practically deprived electors of the power of selecting their own candidates. In former times the candidates were selected by small cliques of the most eminent of the local politicians. Such men, at the least, took care to select men of high private character. But that was passing away with the spread of political knowledge, the electors were demanding a voice in selecting candidates—some form of the caucus becomes a necessity. Now, the caucus looked very well on paper, but in practice it handed over the delegates to a few clever wire-pullers, who might be corrupt. This happened in America. A late Bristol election showed that corruption in the caucus would flourish on English soil. The choice once made, the electors were bound hand and foot. Even if it came out afterwards that the candidate chosen was a man of infamous private character, they had the sorry alternative only of voting for him, or giving a triumph to their political adversaries. Then, again, the system gave excessive power to minorities; whereas the axiom should ever be kept in mind that though the minority should be heard the majority must rule. Parties were evenly balanced, but a small minority of corrupt voters could turn the scale. One side bought their votes. When once blood had been tasted, the corruption spread and infected the whole constituency. Again, one marked and growing feature of modern political life was the rise of organizations, outside of the House of Commons, banded together to carry some object by means of legislation. Each such organization usually had an affinity with one of the political parties; its delegates attended the caucus. Various names were proposed; but it was a *sine quâ non* that the candidates should swallow certain Shibboleths. Now, what you wanted here were men of education, thought, and force of character. Such men had thought out their opinions for themselves, and would not mould their political creed on the demands of associations. Under the caucus system such men would be passed over for a man of a very different type, and thus there would be a gradual deterioration of the quality and *personnel* of the House of Commons, which would be composed in great part of political adventurers, who would swallow any pledge for the purpose of getting a seat, and for the chance of afterwards getting office; or of half-educated rich men, who sought a seat for the sake of the accompanying social distinction. But in their hearts they detested the pledges they had taken, and hence a grave danger. The excitement of the contest over, they had to face the fulfilment of their pledges. What more likely than that they would keep the promise to the ear but break it to the hope, and bring forward measures intended to be inoperative. And thus under the system of single electoral districts there was a danger that Parliament would become a Parliament of mediocrities, and that the variety of representation which was now our boast would disappear.. These were among the objections to the system he had been considering. To some extent they applied to the existing system, but all would be aggravated by a system of single districts, and he might point out that with two-Membered constituencies there was a very faint approach to proportional representation. If two Liberals were returned one was a Whig, the other a Radical; two Tories were of different shades of Conservatism. That would disappear with single districts. He now came to the details of his Bill. He had already stated that population should be the basis of representation, and the Bill accordingly proposed that after each decennial Census the number of Members should be apportioned to each district according to its population. In the arrangement of constituencies, he had taken, for the most part, the old county boundaries; but in one or two cases—notably in Wales—he had grouped counties into electoral districts. The object was to obtain constituencies no one of which should return fewer than three Members; for no system of proportional representation could work with a smaller number. In some cases he had grouped boroughs with one another. In the case of large boroughs which might be entitled to return as many as three Members, he retained them as separate constituencies; all the smaller boroughs he would throw into the county population. That was a weak point in his Bill, because it would undoubtedly tend to swamp the county interest. The remedy was a reduction in the county franchise; but, though urged by some to propose household suffrage in the counties, he had kept it out of the Bill, because, having no expectation of carrying the Bill through Parliament this year, he wished to confine the discussion to its chief object and scope, which was distinctly proportional representation. The extension of the county franchise would be adopted years before he could hope to obtain any considerable support for such a Bill as this. The effect of his Bill would be, in the first place, to remedy an evil often made the subject of complaint—the insufficient representation of English counties. It would also do justice to the large boroughs. Liverpool would have 11 Members, instead of three; Birmingham would have seven; and the metropolis would be entitled to return 66 in place of 22. He made two exceptions to the principle of proportional representation. He retained the special representation of the three English Universities, throwing them, however, together into one constituency, returning five Members. In that way we should get there a representation of political opinion which was now entirely ostracized—the Radical element was growing among the younger and more active members of the Universities and the teaching staff. Another exception was the City of London, which should be allowed to retain its present electoral privileges, as representing in a peculiar sense our commerce and finance. He had been told that, as the basis for redistributing representation, not only population but comparative wealth should be taken; but on working out the figures he found that in practice the results of taking population alone, or population along with the Income Tax Returns, were the same. Another objection might perhaps be made—that instead of taking population as the basis of redistribution, he should have taken the electoral register. With household suffrage in the counties, however, that would be a question of no importance, because you would have the same practical result, whether with the population or the electoral roll; and the latter, indeed, did not present so satisfactory a basis as population, because it contained a number of persons who, from one cause or another, had lost their qualification. He now came to the essential characteristic of the Bill. Instead of the representation in the House of Commons of certain collections of houses and so many acres of land, you wanted a representation of the opinions of the people who lived in the houses or upon the land. He had already explained that, in his opinion, the creation of equal electoral districts would result in a dead uniformity of representation. Was it possible to obtain variety of representation and yet do justice to electors wherever they resided? Let them consider for a moment the theory of representation. Popular government began with small republics where all the citizens could meet in one spot to discuss the common weal. But in modern States some system of representation had become a necessity owing to their size. In the infancy of Parliaments there was far greater sameness in interests and in human character than amid the more varied conditions of modern life with its higher education and increased means of travel. The functions of Parliament were then far less important, the knights of the shire and the burgesses came up to Westminster to vote as scanty Supplies to the King—to remonstrate as loudly against abuses of the Prerogative, as they dared. For such simple functions there was entire community of interest and opinion between Members and constituents. But new interests, new thoughts, had since grown into life. Our ancestors showed their wisdom in adapting their institutions to the circumstances of their days; let us imitate them. As machinery had superseded handicraft labour, and railways the pack-horse, we need not wonder if modern social conditions should need a more scientifically constructed legislating machine. Now, the principle of our Parliamentary system was, or should be, the equality of electors; but that principle had not been a reality. For example, there was not the slightest reason in principle why a citizen of London should be able to vote for three Members and an elector in Rochdale for only one. Moreover, some minorities had no voice under the existing system. How could those evils be removed? It had been said that the House of Commons ought to be to the nation what a chart was to a country. You did not want every house and tree depicted in a chart, but you wanted it to be correct as far as it went, especially in delineating the comparative proportions of the districts to be found in it. So in the House of Commons, while it was impossible to represent every individual opinion, it was right that the main opinions from time to time existing throughout the country should be represented here according to their strength. Practically, no doubt, this result was to a great extent attained in the present House of Commons, but it was due to a series of happy accidents rather than to the operation of any satisfactory system designed to produce a variety of representation. Even as it was, great masses of opinion were now unrepresented in the House of Commons. For instance, in recent discussions upon the Mines Bill it must have occurred to many Members that there would have been great advantage in the presence here of some artizans who could have set forth the opinions of the working miners; and it was a scandal to our representative institutions that since Sir John Acton was made a peer, and since the death of Sir John Simeon, there had not been in this House a single representative of the English Catholics. The working of the system he proposed would be best seen by an example. Each elector would have one vote; and, supposing there was a constituency of 10,000 electors returning 10 Members, if the electors divided themselves into groups of 1,000 each, we see at once that each such group ought, in fairness, to return one Member. But if you gave an elector the power of voting for any candidate he liked, it was obvious that one candidate of great popularity might attract 6,000 out of the 10,000 votes, and then the minority would return the remaining nine Members. The waste of voting power which had occurred at the election of Mrs. Garrett-Anderson in the school election for Marylebone was almost as great as that in the imaginary case just given, and some machinery to prevent it was therefore necessary. Various plans had been recommended. By the New York Reformers, it was suggested that surplus votes cast for a particular candidate should be regarded as proxies given to him, and should confer on him greater voting power in the Legislature than a candidate who had polled a lower number. He should be sorry to adopt a plan under which one man—perhaps an ambitious, unscrupulous man—might receive an enormous majority of votes, and make himself the autocrat of the House; and such a power would be especially dangerous in voting upon private Bills. Another suggestion was, that the candidate who received surplus votes should be entitled to pass them on to any other candidates he might choose or nominate as proposed by Mr. Baily and Mr. Dobbs. That, however, was the New York plan in another form, and would simply result in the election of the political adherents or the creatures of the popular candidate. The *Association Réformiste* of Geneva proposed that any body of electors might agree upon a list to contain as many names in order of preference as there were Members to be returned. Each elector would have to vote for one of these lists in block, and at the conclusion of the poll the votes given for each list would be counted, and so many candidates would be elected beginning with the first name on each list as would be in proportion to the number of votes given as compared with the whole vote cast. He had adopted Mr. Hare's plan as being the most perfect and the best known in this country. The voter himself would arrange on his voting paper the names of several candidates in the order of his preference, the voting paper showing on its face, as the House would see by referring to the schedule of the Bill, that the vote would only be reckoned for one candidate. The poll being closed, the total vote cast is ascertained, and this sum is divided by the number of Members to be returned, the quotient being the number of votes required to return one Member. The papers having been then sorted in packets, all those having the same name as first choice being placed together, the packets are counted. So soon as the quotient just mentioned is reached that candidate is declared elected, and the papers so reckoned put on one side, all surplus voting papers are then added to the credit of the second name mentioned on them, and this process is continued, as described in the very simple rules contained in the Bill, until the whole number of candidates has been elected; in the end those candidates who have the largest fraction of the quotient, if they cannot obtain a full quotient, filling up the last places. It was objected that the plan was complicated. But the task imposed on the elector was really simpler than in the Government Ballot Bill, for it was inevitable that numbers of voters would make marks against the two first names in alphabetical order, and one desideratum of party managers in looking out for an available candidate would be that his surname should be near the beginning of the alphabet. In all other respects he would vote just as he did at present. But as regard the functions of the Returning Offier, the objection seemed more plausible. But the answer was simple—a direct traverse of the allegation. That very system was adopted in 1855, in Denmark, in the elections to the Rigsraad. Mr. Andræ, and Mr. Lytton, a perfectly disinterested witness, bear evidence as to its simplicity in actual working; it had been since applied to elections to the Landsthing, and, last year, to all municipal and ecclesiastical elections. That which worked smoothly in Danish villages could not be beyond the power of English Returning Officers. In its application to the elections of the Governing Body of the Orange Society of New Jersey no difficulty was found. From Harvard University came most convincing testimony. The Standing Committee of Elections reported that the counting of the votes, given under Mr. Hare's rules in the nomination of the Board of Overseers, actually took far less time than under the former system of the cumulative vote. He had himself suggested it to the delegates at the Co-operative Congress at Bolton last spring—the voting went off without the slightest hitch. Those who maintained that the system was complicated in operation must meet these facts. Another objection which might be urged against the Bill was, that it would introduce into the House of Commons the representation of crotchets. It was, however, all very well to call things by that name. Everything new in politics and social philosophy was called a crotchet, until it came to be accepted by a substantial minority. He admitted that it was not desirable to have in the House of Commons a very large number of men with special crotchets, but there was no reason to fear anything of the kind. It would be the interest of persons holding certain views to obtain the ablest men they could find, and the men whom they selected to represent them would probably be found to be wise counsellors in dealing with other subjects. The objection was raised by his hon. Friend the Member for Chelsea (Sir Charles Dilke), that he did not include Ireland and Scotland in the provisions of his Bill; but his reasons for excluding them were to make the Bill shorter, and that it was the custom of the House to deal with questions of electoral reform only for one kingdom at a time. If his Bill passed into law, Scotland and Ireland would, as a matter of course, obtain that justice which was not now extended to them, for it would be necessary to carry out the principle of the measure in its integrity. He had already explained why he had not dealt with the question of household suffrage in the counties; and, for the same reason, he avoided touching for the sake of simplicity on the extraordinary anomaly that 40*s*. freeholders living in boroughs did not vote for the borough, but for the county. It was said that the constituencies which he proposed were not large enough; but he desired, as far as possible, to comply with our existing habits of representation. As intelligence increased, and as people individually, apart from the party managers, began to take more interest in political affairs, the districts might be made larger, until at last we might arrive at the ideal position of having the whole of the United Kingdom, as proposed by Mr. Hare, thrown into one constituency. Such a change as that he was not, however, prepared to recommend at the present moment. He was aware that he had made a very imperfect statement, but he had, he thought, a right to claim the indulgence of the House, seeing that that which he proposed amounted to a revolution, and that measures dealing chiefly with the reduction of the borough franchise had been explained in speeches of much greater length. Indeed, taking into account the extent of his scheme, he might not unfairly claim to be allowed to occupy in dealing with it a whole Morning Sitting. He should not, however trespass at much greater length on the indulgence of the House. The question was not a party question. It had been advocated in this country by men for the most part who belonged to the extreme Radical party; but in other countries it had been taken up by men who might be regarded as representing Conservative principles, and who had experienced the evils of equal electoral districts, which we had not. But be that as it might, he claimed for his Bill that it would cause that political bitterness to disappear which was created by the fact that when parties were nearly balanced, the most unscrupulous efforts were sometimes made to secure a few votes, thus giving rise to bribery and intimidation. The Bill, he contended, would further operate to bring into our election contests many new voters—the most intelligent and educated of the electoral body—who at present took no part in elections at all. There were many who abstained from voting because of the heated atmosphere of political meetings and the excited crowds which were to be found in the streets. A number—and those among the most worthy—also abstained from voting because they objected to the candidates who were brought forward by local party managers. The Bill could not fail to act beneficially with regard to such electors, while it would greatly—though he admitted not entirely—put down bribery and intimidation, inasmuch as the incentives to those offences would not be so great as under the present system. Under such a Bill, too, the great mass of the Members of the House of Commons would be completely freed from the necessity of truckling to a corrupt minority. It would render their seats secure to eminent politicians, and remove the dangers and inconveniences which arose from their being obliged to curry favour with local authorities. It would, moreover, have the effect that under its operation Parliament could not err in legislation through ignorance, while it would do away with the greatest of all possible tyrannies—the tyranny of majorities. New truths were always held by minorities. It would give them an earlier opportunity of obtaining an arena whereon they must be answered, or prevail. It would become impossible for a minority of the electors to return a majority of the House of Commons; it would almost annihilate the tyranny of the wire-pullers. He did not, of course, expect to carry the second reading on that occasion, but he was glad to have had an opportunity of raising the question involved in the Bill in an arena where it could be most freely discussed. In this country we were eminently Conservative in our opinions, and no great change was ever carried out under the lapse of a generation. If the change proposed were sound, it would gain converts among the young; and as the older generation, whose minds could no longer assimilate new ideas, passed away, the despised minority would become a majority. If a measure like the present was ever to be carried, it could only be after a long struggle such as that which led to Free Trade. He did not claim for the Bill that it was perfect, but the discussion upon it would, he hoped, do some good, as showing the English people that it was possible to adopt a system of political reform without the necessity of sinking into that Slough of Despond, equal electoral districts. The hon. Gentleman concluded by moving the second reading of the Bill.

Mr. T. HUGHES, in seconding the Motion, said, there could be no doubt of the truth of his hon. Friend's observation that during the last few years the representative institutions of the country had become much more democratic, and were likely to become even still more democratic. But if the fact were indisputable that this country was becoming more democratic, he thought it was imperative upon all those who took an interest in public affairs to endeavour to bring about some better system of representation—a system under which the person chosen would represent, not the land or the houses, but the minds of the inhabitants of the district forming each unit of representation. Unless some such system were adopted in place of the present crude and unsatisfactory method by which this House was elected, we should very soon find ourselves at the mercy of wire-pullers and cliques. He would refer to the United States of America—the most democratic of all countries—to show that the feeling was beginning to prevail there that it was necessary some alteration should be made in an electoral machinery which was very much like our own. An eminent clergyman in that country had lately said, in a discourse on the duty of citizens, that whenever he put his hand in a ballot-box he felt he was being made use of by somebody—he did not know whom, and for some purpose—he did not know what. The danger of the existing system was one, therefore, which was becoming distinctly recognized in America, and we, he thought, ought to take early precautions to guard against it. He would refer to a notorious example of the evils of wire-pulling in the United States which would be fresh in all their minds. At the recent great Convention at Cincinnati a number of the best men in the country attended, resolved to secure the election of a candidate for the Presidency who should be a Free Trader and in favour of Civil Service Reform. By their efforts a most eminent Free Trader and Civil Service reformer, as well as a man of the highest character—Mr. Adams—was for the first three or four Ballots at the head of the poll. He had not, however, obtained quite the number of votes required, and the consequence was that the wire-pullers got hold of the machinery, and in the end, to the astonishment of the whole country, one of the staunchest advocates of Protection, and a man who had never been in favour of Civil Service Reform, had been selected as the candidate of the Convention. He feared that similar results would be brought about in this country unless the House showed its wisdom by taking up the question and dealing with it in good time. A number of voters, estimated at nearly one-third of the existing constituencies, now took no interest in politics, and never recorded their votes because their choice of candidates so frequently lay between men by whom they had no wish to be represented. Now, the obvious way to change such indifference into some more active feeling was to secure that a larger number of candidates should be obtained, from amongst whom almost every voter would be able to choose one who was, to a considerable extent, at all events, to his mind. The area must be enlarged in order to effect this, and some form of proportional representation adopted, and the first question was, what was to be the unit of representation from which the start should be made. In his opinion, better units of representation could not be obtained than the county divisions. They were as old as the Saxon times. The people of the country still felt attached to them, and they would involve the least amount of change necessary for so great an experiment. Such an alteration would tend greatly to guard against the danger of cliqueism, which had now become so marked a feature in our politics. If the county were adopted as proposed in this Bill, it would, he thought, be impossible to make it a condition of voting for any candidate that he should swallow a particular bolus, and a great means of political torture would thus disappear. It was clear that if it was desired the best men in the country should be returned to Parliament, some change must be made in the direction indicated by his hon. Friend, and he trusted his right hon. Friend the Secretary for the Home Department would not, speaking for the Government, say that this was a question more suitable to a debating society than to the House of Commons. The need was pressing, and it was high time we should devise some method of escape from dangers such as these from which the people of America were now struggling to free themselves.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Morrison.*)

SIR CHARLES W. DILKE: Mr. Speaker,—There is much that has fallen from my hon. Friend, in which I cannot but agree; but he has failed to remove my objections to his Bill. The first observation that must be made about it is, that it applies to neither of those portions of the United Kingdom in which it is most needed, and that it does not put an end to the evil of one man's vote in one part of the country counting for more than that of another man in another part—an evil, the tangible results of which we should, I think, consider. The Bill purports to be founded upon two considerations—that the opinions of electors should be represented in proportion to the prevalence of such opinions, and that Members should be returned in proportion to population. Now, there is this justification for some Bill on the subject—that so wide is the disparity in the electoral power possessed by voters in different portions of the country, that momentous divisions continually take place in which both the number of electors and the population represented by the majority are inferior to those represented by the minority in the House. If I am asked to state cases, I would point to two divisions which are fresh in the minds of all of us—the division on the Mines Bill and the division on the Birmingham Sewerage Bill—both of which occurred last month. In the division on the clause relating to the employment of children in mines, the Ayes were 185, and the Noes were 170. But I find that the 185 Ayes were elected by 1,410,000 electors, and the 170 Noes by 1,464,000 electors. That is—the minority were elected by 54,000 voters more than the majority. The Birmingam Sewage division was a much more remarkable one. The 145 Ayes, who represented, as we believe, the public interests, were beaten by 148 Noes, who, according to some of us, represented private feeling. But, however that may have been, the 145 Ayes had been elected by 1,383,000 voters, and the 148 Noes by 977,000 voters; that is, a majority of 406,000 in favour of public considerations. That is to say, that in this division the judgment of the House as given by the majority was contrary to the judgment of the electors of the United Kingdom, so far as we can gather that judgment by the only means constitutionally open to us—namely, from the votes of the representatives of the electors in this House. Having said thus much in favour of having a Bill of some kind, I feel bound to admit that there is one distinction of the utmost importance which may be drawn in favour of this Bill between it and any other measure that has ever been proposed upon the subject of re-distribution. It is that, so far as it goes, this Bill is of a lasting character. It is impossible to overrate the importance of finality in the matter of re-distribution. I am prepared, indeed, to contend that it is unwise even to touch this question until we can deal with it in such a manner as that it will not need to be re-opened every two or three years, and at the same time in such a manner as to prevent the future perpetration of such jobs as that by which the county of Sutherland was saved for the Whigs, when the last re-distribution measure with regard to Scotland passed. It is of the utmost importance that the next re-distribution scheme should be of a permanent, and therefore of an elastic character. Great as is the injustice of the present distribution of electoral power, under which, while you proclaim the sovereignty of the people, you make one portion of the people in small and corrupt boroughs, 250 times as sovereign as another portion in large, wealthy, and intelligent towns, still I do not hesitate to say that, looking to the certainty that this question must be completely dealt with within a very few years at the most, I had sooner for the moment keep matters as they are than help to pass any more such trumpery fragments of a re-distribution scheme as those which disgraced the legislation of the last Parliament that sat. Having said thus much, I am nearly at an end of the words that I can speak in favour of this particular Bill—this Bill, that is, so far as it differs from other schemes for a wide reform which may previously have been proposed. I have come to an end of the pleasanter portion of my task, for I find myself compelled to enter upon a hostile criticism of a measure promoted by those who have the same objects at heart as I have. I want to know why, in the first place, population rather than the number of electors should be taken as the test. I know that there is an answer. I know that it may be said that to take the number of electors and not the population as the test would be grossly unfair to the people of the counties, and would confer too great power upon the inhabitants of the towns. That is true under your present franchise, far higher in the counties than in the towns. But is it likely that this double franchise will continue? Is it well that it should continue? Can you touch this question of re-distribution, except in connection with the equalization of the borough and county franchise? I doubt it. All the arguments that can be used in favour of a change make strongly against the principle of taking population rather than electors as your test. Not formally and officially, but in our daily practice, we assume always that every elector in the country is equal in political power with every other. That is our modern view, but our practice is widely different, and the difference is founded upon no intelligible principle, for it is the voters who reside in the most ignorant and the most corrupt boroughs of the country that have the greater, and those who reside in the most enlightened and least corrupt boroughs of the country that have the lesser power. I say, then, that instead of taking mere population as your test, you ought before all things to look to the need that exists for equalizing throughout the country the power given to each elector. That, for fairness sake towards the counties, you cannot do so long as you have a double franchise, and hence the impossibility of agreeing to this Bill, or even of properly considering its provisions so long as your double franchise cumbers the ground. This Bill is far more than merely experimental in its nature. It deals with the whole question upon, as I think, a mistaken, but at all events a logical principle—that of population. It saves University representation and plural voting by freeholders, which are entirely inconsistent with the whole idea of proportional representation. But, with the exception of these two concessions to historical usage, it is a measure which aims at being complete so far as it goes. But what a little way it is that it goes! Why does it not go across the Border? Why does it not go across the Irish Channel? Surely, if re-distribution is needed anywhere it is needed in Ireland. In Ireland you have vast counties represented by the same number of Members as sit for insignificant villages. How can you ascertain that which it is of vital importance to the Empire to ascertain—namely, the opinion of the Irish people on Home Rule or on Education while you have such a burlesque of representation as that which exists at present in that country? If you are to go for the future upon the principle of population in England and Wales, why are you not also to follow it with regard to Ireland and Scotland? The strongest demand for the redistribution of electoral power comes from Scotland and Ireland. Yet, here is a Bill claiming to be logical, and certainly wide enough in its scope as regards this portion of the country in which we are assembled, which almost begins with the words "This Act shall not extend to Scotland or Ireland." No doubt, the Bill is an experiment; but why try the experiment upon the counties so long as you have the insuperable difficulty of a different franchise in counties and boroughs?

Why not try it upon some city or group of towns? Some think—and I among them—that it is almost impossible to overrate the advantages which might flow from proportional representation, if proportional representation could be worked. I think it most desirable that the experiment should be tried. Here again, however, we are met with difficulties of the most serious kind—namely, the inconsistency between the new principles which you seek to establish and the inadequate representation if you take wealth, population, or number of electors as your test, which is at present given to the great towns. It is clear that, however just the principle of personal representation may be, it is not easy to work out in practice, and it implies so great a change in our habits of thought, that we should be cautious about making our experiment. There can be no place so fit for trying the experiment, from the great concentration of wealth and population, from the machinery at hand, and from the variety of opinions held within the compass of a single town, as London; and it would be most natural to suggest that the experiment should be tried within this City. But look at the difficulties in which, from the very injustice of our present system, we should be at once involved. London has 22 Members for 280,000 voters. If you were to try your experiment upon London, it is probable that the metropolis would under your new system elect as its 22 representatives men of great fame and of the highest attainments—men whose service would be of splendid value to the State; but it would be impossible, nevertheless, without the fiercest opposition on the part of London, to make this trial of your scheme, and to ask this town to return but 22 Members to your House when by its population it is entitled to far more, and at the same time to return men of such character and position that the majority of them would probably have neither time nor inclination to attend specially to London wants. Such are the difficulties that meet us at every turn. The moral to be drawn from these facts is, that it is hopeless to attempt the experiment of proportional representation until you have obtained, on the one hand, the equalization of your franchise throughout the country, and, on the other, the recognition of the still more important principle, that equal weight ought to be given to the votes of electors in whatever portion of the country they reside. I object, then, to this Bill, because, while the greatest need for re-distribution exists in the case of Ireland and Scotland, it expressly excludes those portions of the country from its operation. I object to it again because it retains the system of University representation and of plural voting by freeholders, which are wholly inconsistent with its scope. I object to it also, and chiefly, because it continues, and by continuing aggravates, inasmuch as it stereotypes for the future that which I consider by far the greatest of all the evils of the present system — namely, the difference in the weight of votes between one portion of the country and another. In truth, the Bill is magnificent in its design, and miserable in many parts of its performance. Why, for instance, should Westminster and Marylebone continue under the provisions of a Bill of revolutionary reform to be two separate constituencies? Why, when it is your only object to secure the due representation of opinions in proportion to their prevalence—why should you disfranchise a man for moving in his town across his street, or, in the same house, from one room to a better room on the same floor? You cannot deal piecemeal with reform. But my chief objection to this Bill is, I repeat, that by proposing to have two franchises in the same constituency—namely, both borough and county franchise, co-existing at the same election in the same county—you propose that which would be unworkable, to which the House of Commons would never agree, and which would prevent the possibility of obtaining for the other principles of the Bill that consideration which is undoubtedly their due. Those who have not carefully read this Bill will hardly credit my statement that under it you will have two franchises co-existing in each county. For instance, Abingdon will have no Member, but will become a part of Berkshire. But every householder in that part of the county of Berkshire which was formerly the borough of Abingdon will have a vote, while in almost every other part of the county, every householder will not have a vote, but only the twelve pounders. It is hopeless to attempt to deal with re-distribution by itself without, at the same time, undertaking the equalization of the franchise in the counties and the towns. I voted not long ago for a Motion in favour of the reduction of the county franchise, thinking it deserving of support not only as in itself desirable, but also because that reform is clearly a necessary first step to a re-distribution of electoral power upon a logical, an elastic, a permanent, and a self-acting plan. Re-distribution of electoral power is not a matter which any Government will lightly undertake. It is not a matter that a Government will undertake at all, unless supported by a popular demand. Your popular demand will not be for a small and imperfect scheme. Future re-distribution of electoral power is certain to proceed upon the democratic principle, that, when you once have settled what your franchise shall be, one vote is as good as another. That principle you are unable to apply as long as you have a different franchise in the counties from that which exists in the towns. County Members cry out that they represent a far larger population than do those Members who sit for an equal number of voters in the boroughs. The answer is, that the country will not tolerate the counting on behalf of the agricultural Members of the labourers who have no votes, any more than public opinion in America during the war would have continued to tolerate the counting for electoral purposes of the unenfranchised slaves. These facts must before long force the county Members to concur in giving to the labourers votes, but until that agreement has been reached, or until an overwhelming pressure has been brought to bear on behalf of the great towns, it will be impossible that a good measure of re-distribution should be passed. But such is the need for a large Bill that it cannot be long delayed. The divisions to which I have alluded, and many others which I might quote, shew that our measures are often not measures desired either by the major portion of the voters or by the major portion of the people; and, I ask, where is the boasted freedom of our institutions, if this can long continue to be the case? This Bill aims at securing by impossible provisions the accurate representation in the House of various opinions and various interests—a good end to aim at, as an end; but, even as an end, of secondary importance as compared with the non-falsification of the opinion of the country as a whole. It is because you never can be secured against that falsification of opinion until you have an equality of franchise such as to permit an equality of representation, that I am convinced that there is no possibility of a settlement being reached upon the lines laid down by the promoters of this Bill. I beg, Sir, to move the Amendment of which I have given Notice.

Mr. BLENNERHASSETT: Sir, I shall not attempt to discuss the principle on which the Bill before us is based, or the objections which have been urged against it in detail by my hon. Friend the Member for Chelsea (Sir Charles Dilke). I am content to believe that sooner or later the difficulties and errors of the representative system in this country will receive their natural and logical solution in the adoption of a plan which will secure full and equal representation for the opinions of all classes in the community in proportion to the numerical prevalence of these opinions. I shall confine myself to supporting that portion of the Motion of my hon. Friend which declares that no measure dealing with the re-distribution of electoral representation can be satisfactory to this House which does not apply to Ireland as well as to England; and to establish that position, I hope to prove to the House that the present representation of Ireland is by no means a fair and honest expression of the opinions of the people of that country. I regret very much that the hon. Member for Plymouth (Mr. Morrison) has limited the extension of his Bill to England, and yet I am not surprised that he has done so, for he probably did not wish to introduce into this discussion the question whether Scotland and Ireland are adequately represented in this House in proportion to their population. I find, on applying the method suggested in the Bill, and dividing the total population of England and Wales by the total number of representatives which they return to Parliament, that England and Wales have one Member for every 46,000 persons; while, on the other hand, Scotland has only one Member for every 56,000, and Ireland for every 52,500; while the average for the United Kingdom would give one Member for every 48,000 persons, and would entitle Scotland to 10 representatives more than she has at present; Ireland to 9 more; and England to 19 less. But, Sir, I do not wish to import any new element into this discussion, and therefore I am content to assume for the purposes of argument, that the present number of Members returned for Ireland would be sufficient, if fairly and honestly elected, to represent the opinions of the people in Parliament. But are they elected in such a manner? By the Census of 1871, I find that there are in round numbers 1,500,000 grown-up men in Ireland; of these only about 220,000 possess the franchise, leaving 1,280,000 of mature years who possess no voice in the government of their country. However, as the question of the extension of the franchise does not enter into this discussion, I pass it over and assume again, for the purposes of the argument, that 220,000 electors are a sufficient number, under an honest and equitable arrangement, to select Members to represent the opinions of the country; my position now is that the political power of these 220,000 electors is destroyed and frittered away by the absurd and dishonest manner in which the Members are distributed amongst them, and that consequently the Irish representatives in this House do not fulfil their legitimate place in the Constitution, and do not fully, freely, and equally represent the opinions of the various classes of the population. That position I shall attempt to prove by reference to statistics based on the number of electors and on the population of the various constituencies in Ireland. There are 19 constituencies with populations under 10,000. The aggregate population of these constituencies, which are represented by 19 Members in this House, is about 120,000. There are, on the other hand, 20 constituencies, every one of which has a population greater, in some instances more than double that of the population of all the 19 constituencies added together, and yet these great constituencies return only two Members each to Parliament. To the 19 boroughs of which I have spoken, let us add the 9 constituencies next in size—namely, those whose populations range from 10,000 to 50,000. We thus get 28 constituencies returning 31 Members to represent a population of about 300,000. With these, let us contrast the great county of Cork returning two Members to represent a population of over 430,000. Proceeding with our examination, let us add to the 28 constituencies which return 31 Members, the 14 constituencies next in size, and we get 42 constituencies with 6,000 electors, and a population of 1,500,000, returning 59 Members leaving — Dublin University being excluded—42 Members to represent the remaining 157,000 electors, and a population of about 4,000,000. That leads us to the extraordinary conclusion that 66,000 Irish electors return 17 Members more than 157,000 electors do; and that 1,500,000 of the Irish people have 17 representatives in this House more than 4,000,000 have. But, Sir, a recent event would seem to vindicate that state of things. The notion that a Member is returned to Parliament because the result of an election has proved that he holds the opinions and possessed the confidence of the majority of his constituency has been shown to be an antiquated delusion—a foolish and groundless assumption. The true title to a seat in this House seems now to be that the great majority of the constituency you nominally represent do not wish for you, will have nothing to do with you—that you cannot after the most strenuous exertions poll one-eighth of the electors on the register; that you cannot count one vote for every four recorded in favour of your opponent. I pass, however, from this novel and extraordinary development of the principle of the representation of minorities, a development which entirely ignores the representation of the majorities to consider some other strange anomalies in the representation of Ireland. There are, I find, eight constituencies — namely, Portarlington, Dungarvan, Mallow, Downpatrick, Enniskillen, Kinsale, New Ross and Youghal, with about 2,000 electors between them, and a population of under 40,000, and yet these boroughs have exactly the same amount of representation in this House as the four greatest constituencies in Ireland —Cork County, Dublin City, Down and Mayo, with their 44,000 voters on the register, and a population of 1,200,000. Again, there are in the present House of Commons 31 Irish Members who represent 16,000 electors, and a population of 300,000. There are, on the other side, 28 Members who represent 120,000 electors, and over 3,000,000 of people.

I have alluded to little boroughs, I do not know whether there is a strong desire in the present day to defend their existence, but they seem to me to be liable to many objections. They are peculiarly exposed to corrupt influences; they are sometimes under the influence of some one great nobleman or landowner; they are often in the power of petty cliques, and are distracted by local jealousies. The argument, I believe, has now almost been abandoned that they are useful because they enable young men of ability to get into the House who are afterwards returned for popular constituencies. But let us assume everything in their favour; let us assume that the borough of Portarlington, for example, is perfectly pure, that it is perfectly independent—we may, of course, assume the most unlikely things for argument sake—that it is quite free from local jealousies; and let us suppose, moreover, that it generally selects as its representative a man whose presence is calculated to add to the collective wisdom of Parliament, and who is destined to rise to high office in the State. Let us assume all these points in its favour, and yet they are not, I think, sufficient to justify the monstrous inequality caused by the existence of such a constituency. The borough of Portarlington with its 102 electors, and a population of about 2,700, returns one Member to Parliament. The county of Cork returns two Members. The population of Portarlington bears to the population of Cork the ratio of 1 to 162; therefore, an elector merely because he happens to reside within the municipal bounds of the borough of Portarlington, has 81 times as much voice in the election of a Member of this House as if he resided in the county of Cork. That is the climax of absurdity in the present system. Therefore, because I believe these facts show that the representation of Ireland in Parliament is unequal, dishonest, and absurd, I support the Amendment of the hon. Baronet the Member for Chelsea.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no measure dealing with the re-distribution of Electoral Representation will be satisfactory to this House which does not extend to Scotland and Ireland, and which does not give an equal share of political power to all Electors,"—(*Sir Charles Dilke*,)

—instead thereof.

Mr. COLLINS said, he did not intend to follow the hon. Gentleman the Member for Kerry county (Mr. Blennerhassett) into the question of the comparative value of small and large boroughs. He thought that where small boroughs were nomination boroughs—such as Ripon or Stamford—and where the patrons used their influence to select men of distinction, calculated to become ornaments to that House, in such a case those boroughs fulfilled a useful mission; but the case was very different where these boroughs were mainly in the hands of the richest buyer. He thought that the House owed a great debt of gratitude to the hon. Member for Plymouth (Mr. Morrison) for having brought forward the question now under consideration. He regretted that the House had been so thin during his speech, which was as able a speech as had ever been delivered on the question of proportional representation. The question was becoming day by day and hour by hour of greater importance, and though it was not desirable now to set to work to re-model the representation, it was exceedingly desirable by such Bills as the present to teach the people at large a sounder view of representation than had hitherto prevailed. That House ought to present a miniature of the general views, feelings, ideas, and even prejudices of all parts of the community, and various were the means suggested to bring that about. In fact, the feeling in favour of proportional representation was a growing feeling, and he believed it to be founded in wisdom. Last Parliament the question of the representation of minorities was carefully considered, and was very ably discussed by the Chancellor of the Exchequer and other Members of that House, as well as of the Upper Chamber, and the result was that a compromise was agreed upon, and a certain number of constituencies were selected in which this principle was to be adopted. About two years ago, when the hon. Member for Bury St. Edmunds (Mr. Hardcastle) brought a Bill into the House to repeal the clause giving minorities in certain large constituencies proportionate representation, the House had gone to a division on the point whether the Question should be put, and the then Speaker gave his casting vote in favour of the Question being put. On the vote being taken, the Bill was lost but by a majority of only 3. Since that time no hon. Member had ventured again to raise the question that the minority clause should be abolished. He was not going to say that the clauses in this Act, taken by themselves, were such as he should recommend to the House; but it was important that the Act should be discussed with reference to the principle it involved. They had better have a just and sound principle among a few constituencies, with a view to extending the same, than repeal the minority clause as at present existing. Then, in 1870, a Bill for constituting school boards throughout the country was passed. That Bill, though containing a more comprehensive principle of suffrage than had been adopted in Parliamentary representation, because it had given the other sex a right to vote, did not propose to give a representation to minorities; but the noble Lord the Member for the Northern Division of the West Riding of Yorkshire (Lord Frederick Cavendish) brought in a proposal that, by means of the cumulative vote, minorities should be represented at school boards. That proposal, in 1870, passed almost without notice, and it might be said that it came upon the country by surprise, so that the true judgment of the House had never been taken upon it. Last year, however, the hon. Member for Birmingham (Mr. Dixon) brought in a Bill to repeal that clause, so that school boards should not be the representatives of the different sections of the population, but of the majority. In spite, however, of the very able advocacy of his hon. and learned Friend the Member for Oxford (Mr. Harcourt)—who was the only young Member of any mark who had espoused the antiquated principle of majority as opposed to the proportional representation — the hon. Member for Birmingham was too good a tactician to press his Motion to a division, and allowed it to be negatived. No one else had raised the question again. On the contrary, when the cumulative clause was not found in the Scotch Education Bill of this year, it was moved and carried by a very large majority—three to one—that the same principle of proportional representation should be introduced as had been applied to English school boards. He did not expect any immediate change in the representation of the people of this country, but he thought it was their business, as far as possible, to propound doctrines which would teach the people of England that when they were to have a new Representation of Peoples Bill it should be based upon sound principles, and give a fair representation to every class of the community. And how was that to be done? Was it to be done by a majority vote? There was one plan of dividing every borough into wards, but he believed the system of ward elections would let a number of extreme, and bigoted, and narrow-minded Members into the House. The ward principle had been tried in the metropolis, but the state of representation in the metropolis was in a very unsatisfactory condition. He did not say unsatisfactory because 20 Liberal Members were returned and only two Conservatives. The return would have been equally unsatisfactory as regarded the constituency if the 20 Members returned had been Conservative. The return did not give a fair representation of the metropolitan constituencies. There were in the metropolitan area 22 Members, the constituency of each ward, so to speak, with the exception of London, returning two Members each, and in every single case, except the City of Westminster and the borough of Southwark, where the constituency had only the other day been accidentally disorganized, the majority of the electors returned Liberal Members. Would anyone tell him that 21 Liberal Members out of 22 was a fair representation of the relative strength of the two parties? The present system gave about 12,000 electors to each Member. In the City of Westminster 7,400 electors voted for his hon. Friend behind him (Mr. W. H. Smith), and therefore the whole body of the Conservative electors in the other divisions were unrepresented, and these amounting to many, many thousands. Of the electors of the metropolis, probably one-fourth or one-third were what might be called Conservative, whatever that term might mean, and if numbers ought to be represented for the metropolis, instead of one Conservative Member there ought to be six or seven at least. Till they got a sounder system of representation there would always be a ready answer to those who claimed more Members for the metropolis. That answer was this—they could not have more

Members, for the majority was already over-represented. When they cut and carved the constituency in such a way that one-third of the constituency was not represented at all, that was a reason for not giving more representatives to the majority. The Bill of 1868, as regarded the extension of the suffrage in boroughs, partook of a final measure; but as to the distribution of seats it contained no basis of finality whatever. What they had to do when they came to deal with any new measure touching the representation of places, was that they must have regard to the fact that there were a great number of small boroughs, and that these were a means of securing variety in our representative system, and care must be taken not to reduce everything to a wretched dead level, or convert into a mere Plutocracy what had been the first Representative Assembly in the world. To effect this they must have a system of proportional representation. He was not going to discuss the details of the Bill, for the reason that when the House was asked to read it a second time on the 10th of July, it could only be brought forward with a view to the discussion of its principle. There was one point, however, to which he would for a moment refer. The metropolis was to have 66 Members, according to its population. According to the system of ward elections, judging by the experience of the past, three Conservatives and 63 Liberals would be elected. That would be aggravating the present system of injustice, and would be a burlesque of representation. Things had very much changed since 1832. When three-cornered constituencies were then first introduced, Mr. Mackworth Praed got up and proposed what was called the limited vote, but Lord Althorp said it was quite unnecessary, for constituencies would never be found to vote for three Members of one political party. But what was now the fact? In 1852, out of the 21 Members returned by the seven triangular constituencies referred to, 20 were Protectionists and only one a Free Trader, and that distinguished statesman, Sir Cornewall Lewis, lost his seat for Herefordshire by a fractional majority. The majority system of voting had at all times of great excitement broken down, and in times of popular clamour minorities had ever been overborne. He hoped his hon. Friend the Member for Plymouth would be satisfied with the discussion which had arisen on his Bill and not press it to a division. There were many clauses in the Bill which were objectionable, and that House would never consent to add 20 or 30 to the existing constituencies as proposed. No doubt, boroughs of a certain size might disappear in the counties, but all these were questions of detail rather than of principle, and the principle of the Bill—an approach to proportional representation—was one that ought to be aimed at. The present system worked only tolerably well in consequence of the variety in our constituencies. Whenever the change did come he hoped that the Executive of the day would take care that adequate means were taken to represent minorities.

Mr. STAPLETON, who was nearly inaudible, was understood to oppose the principle of the Bill, but regretted that his hon. Friend had not given the details of his scheme as applicable to the whole United Kingdom. There were some very small boroughs whose existence it would be very difficult to justify, but still if they struck them altogether out of the system of representation, they would deprive it of much of its variety.

Mr. J. LOWTHER said, he had listened with much pleasure to the very able speech of his hon. Friend who introduced this Bill, but he could not in any way commit himself to the details of his plan. There were many evils in his way, which his hon. Friend had not grappled with in a manner likely at any time to commend his plan to popular opinion in this country. So far as he could judge, the scheme had been founded on what was known as Mr. Hare's plan. They were much indebted to Mr. Hare for having brought the subject prominently before the public; but he had failed to enlist popular opinion in favour of his scheme. Mr. Hare had wholly ignored the essential feature of our representative system—namely, its local character. He put the constituencies into a "pool," and elected Members promiscuously from it. The great blot in this scheme, however, was that it aimed at establishing personal as distinguished from local representation. The representation of local minorities had engaged the attention of all thoughtful politicians, though he admitted that any attempt in this direction would have no support from the mere partizan or stereotyped follow-my-leader school, who thought that the political or even physical existence of anybody who did not see all things eye to eye with themselves was a monstrous anomaly. The representation of minorities could never be popular with persons who took such narrow views. Without going into the details of the Bill, he must point out to the House that the single vote was by far the worst of the various systems of proportional representation. It diminished the electoral power of each individual elector, whereas the cumulative vote greatly increased that power. The cumulative vote worked admirably in America and in the school boards of this country. The evil was, that under the system of a large majority they were always liable at a moment of excitement to carry everything with a rush; and the House might be filled with hon. Members not representing the deliberate opinion of the country, but by those who happened to catch the popular ear; that evil, however, was to some extent corrected by the existence of the small boroughs which had been so much questioned. How was that danger met in America? Instead of the Members of the House of Representatives being simultaneously elected, as in the case of the House of Commons, each State returned every two years a moiety of its quota. It had been said that Illinois had adopted the system of proportional representation; but there each voter was allowed to give his three votes, one to each candidate, one and a-half votes to each of two candidates, or two votes to one, and one to the other. Now, if in constituencies returning two Members this plan were adopted, and "a plumper" counted as one and a-half votes, it would be a practical solution of the great difficulty of applying a fair representation of minorities to our existing institutions. This system prevented any small minority from being represented, while it gave to a minority respectable in numbers a fair share of representation. The "limited" vote in three-cornered constituencies had worked very well, and had supplied a want which had long existed. The exclusion of eminent men from the Legislature was little short of a national calamity, and already the value of this salutary provision in the last Reform Act had been illustrated, as he must take the liberty of reminding the House that to this they were indebted for the privilege of addressing the right hon. Gentleman who now so ably filled the Speaker's Chair. The want of a more extended system of this kind had been also brought prominently forward in several instances. Take the case of the Prime Minister, to which he referred in no spirit of taunt, for in his opinion the electors of Greenwich had performed a public service by returning to the House of Commons the eminent Leader of the party opposite, for it would, undoubtedly, have been a serious evil if the Leader of one of the principal parties in the State had not been able to make his appearance in that House. Again, if we had had a fair system of proportional representation, it would not have been necessary for the Home Secretary to make such diligent inquiry, and by, doubtless perfectly legitimate, but, nevertheless, indirect means, to find his way back to the House of Commons. The same remark was applicable to the case of his noble Friend the Chief Secretary to the Lord Lieutenant. He trusted that the House, although it might not be disposed to adopt the exact machinery proposed by the Bill, would not decline to entertain seriously the suggestion that minorities ought by some means or other to be adequately represented, because the House of Commons ought to represent the calm, deliberate, and well-balanced opinions of all classes of the community, and not be the reflex of the first blind impulse of popular passion.

MR. MORRISON, in reply, said, the only objection he could urge against the tone of the debate was that it had been rather too much on one side. He had been told that in bringing forward this Bill he was converting the House of Commons into a debating society; but his justification was, that he really had a practical end in view, because he observed signs that the re-distribution of seats, and, perhaps, the question of equal electoral districts, would become a party cry. The present measure was one which he was glad to see could be accepted, with, perhaps, some modifications, by both sides of the House. He concurred with his hon. and learned Friend the Member for Boston (Mr. Collins) in thinking that the adoption in 1867 of a limited vote in counties and large boroughs was a tentative process, and that that provision must either be extended or else repealed. In common with all the principal advocates of that change, he had always taken the same ground as the supporters of the cumulative vote in the State of Illinois—namely, that it must be regarded as a step towards a more perfect form of proportional representation. His Bill did not propose, as had been alleged, to substitute Mr. Hare's scheme for the existing system, for its special object was to preserve the principle of local representation. Under all the circumstances, he felt it would not be right to ask for a division on the second reading, because he should then have to vote against the Amendment of the hon. Baronet the Member for Chelsea, in which he entirely concurred. Therefore, he would accept the Amendment of the hon. Member for Chelsea, leaving the House to deal with the Bill as it thought fit.

Colonel CORBETT thought that as the Bill proposed to bring about an organic change, it was somewhat extraordinary that Her Majesty's Government had not favoured the House with any opinion on it. True, the subject to which it related had not yet taken possession of the country, but still it was only natural to suppose that some utterance would proceed from the Treasury bench, if it was only for the purpose of quieting the public mind, which had been far too much agitated of late by political movements. The amount of change we had had recently must have more than saturated the public mind, and it was time now that we should have some certainty of peace and rest. He would remind the House of the epitaph in a country churchyard—"I once was well, I wished to be better, and here I lie." No constitution in the world could endure constant stimulants and excitement, and the rule held good in the case of the Constitution of a country as well as in that of an individual. The Bill was diametrically opposed to our present system of representation, which was intended to be, not so much a personal as a class representation. In conclusion, he would recommend the hon. Member for Plymouth (Mr. Morrison) to wait a few years, when the country would be so disgusted with the effects of the new system of secret voting that they would be glad to seek refuge in anything.

Mr. DELAHUNTY said, he opposed the Bill on the ground that the industrial element of Ireland, by which he meant the manufacturing and commercial interests, were not represented at all in the House at present. As a consequence there were very few business men from Ireland, most of the Members from that country representing either the landed interests or the professions. Had not the landed interest prevailed generally in the House, it would have been impossible for a recent Sewage Bill to have been kicked out as it was.

Mr. CORRANCE said, he feared that coming among sundry attempts to tinker up the Constitution by party efforts, for party purposes, the House might be disposed to regard the Bill of the hon. Member as an anachronism. He was disposed, however, to accept it as a valuable protest, coming from that side of the House, against sham Reform Bills like those of 1832 and 1868, and sham Ballot Bills of 1872, and all other such inane bids for mere popular support. The Bill itself was an improvement upon Mr. Hare's plan in many important respects, for it brought the representation within the scope of the personal knowledge of each elector, and would prevent the election of mere public notorieties and political quacks, puffed into public notice by the Press, which would otherwise be the result. He thought that the Bill created too many new constituencies, which might be obviated by taking the areas of counties as the uniform basis, and merging the borough system in this, the franchise being uniform throughout. Finally, however, there was a fear he would express, that not only such a Bill as this, but no other Bill of such a nature would ever pass. Practical politicians, as they were called, would not look at it, and no doubt there was a reason for it. Our present system was not philosophical abstraction, but a stern reality, the result of the struggles of the past. First, as history informed us, the Commons of England had won power over the Crown; then the larger boroughs had special representation; then the Crown had sought to regain its ascendency by creating small boroughs, which the Reform Bill of 1832 swept away in the greater part; that Reform Bill dished the Tories, and that of 1867 the Whigs; and it was now distinctly as a party measure for party purposes that the Ballot Bill was introduced. No doubt, there were infinite evils in such a system as this, for it gave each party in turn an opportunity to gain an unfair advantage, and if in the ascendant, to put their power to unscrupulous use. Several instances had no doubt been pointed out, typical of the rest; all sprung from the same source. Political power was the spoil of victories of this sort, and he doubted whether any desire existed for anything more just. He accepted the Bill as a protest against such a system as this; but for its realization he feared the hon. Member must wait until unscrupulous power should lay down the sceptre at the feet of unassuming merit, and personal ambition be replaced by the purest patriotism.

MR. NEWDEGATE said, with all respect for the hon. Member for Plymouth, who had introduced the Bill, and for the hon. Baronet the Member for Chelsea (Sir Charles Dilke) who had moved the Amendment upon the second reading, he would remind them that the circumstances under which these proposals had been made, were very peculiar. The House was aware that he regarded the change contemplated by the Elections Bill, which were now very nearly accomplished, as calculated to effect a revolution in the electoral system of this country, for those changes would avowedly alter the character of the franchise, since they would make the franchise a property instead of a trust, in the hands of the voter. Until that change had been fully consummated, and until he had had the opportunity of considering the operation and effect of that great change, he was unwilling to proceed with any further changes in the electoral system of the country. The first point in every process in electoral reform was to settle the franchise; that had not yet been consummated. By his vote on this occasion, then, he by no means was to be understood as pledging himself against further changes; he felt, however, that by the accident that that Elections Bill was not matured, the hon. Member who had proposed this Bill was placed at a great disadvantage, because he did not think that the hon. Member could now fairly ask the House to proceed further in the path of electoral change before the character of the franchise, which was the foundation of all electoral rights, had been definitively settled by Parliament. His vote, therefore, would be given both against the second reading of the Bill and against the Amendment, in the sense in which, in this House, the "Previous Question" was usually moved. He should vote against both those proposals, because he did not think that Parliament was in a position fairly to entertain them.

MR. WINTERBOTHAM said, he was not aware that the Government had any collective opinion on the merits of the Bill, which was of too abstract a character to call for an immediate decision on the part of those who would be responsible for carrying out its provisions. Indeed, the hon. Member for Plymouth (Mr. Morrison) himself admitted this to be the case when he proposed to withdraw the Bill. Speaking, however, on his own account, he had always felt the justice of the principle of the representation of minorities. The Amendment of the hon. Baronet the Member for Chelsea appeared to him to be open to more objections than the Bill itself, as it was destructive of all real representation, and therefore he should vote against it.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

COLONEL STUART KNOX moved the Previous Question.

MR. SPEAKER said, that the Motion just proposed was not in Order, and could not be made before the Amendment actually before the House had been disposed of.

Question proposed, "That the words

'no measure dealing with the re-distribution of Electoral Representation will be satisfactory to this House which does not extend to Scotland and Ireland, and which does not give an equal share of political power to all Electors,'

be added, instead thereof.

Question put.

The House *divided:*—Ayes 26; Noes 154: Majority 128.

VACCINATION ACTS AMENDMENT BILL—[BILL 91.]

(*Mr. Pease, Mr. Leeman, Sir Thomas Chambers.*)

SECOND READING.

Order for Second Reading read.

MR. PEASE, in moving "That the Bill be now read a second time," said, that though his belief in the advantages of vaccination was as great as that of any other man, he found that there existed a strong feeling among his constituents and in various parts of the country in favour of the limitation of the stringent powers of the Act of last year. It could not be denied that there was a strong feeling in the country against the excessive penalties now levied for a neglect of the Vaccination Acts, especially among the poor, who thought that Church and State were both hostile to them in the matter, as he found in the instructions to district visitors issued by the right rev. Samuel Lord Bishop of Winchester, that amongst the duties of the visitor he was to inquire whether each child in a family had been baptized and vaccinated. He thought it would be quite as well if they inquired into the reasonableness or unreasonableness of that feeling, for it must be remembered that parish doctors, though an invaluable body of men, treated the poor in a very different manner to the treatment which the rich received at the hands of their medical attendants. It was against the accumulation of penalties now authorized by the law that this Bill was directed; and it was based upon the recommendation of the Committee of 1871 that inquired into the subject. The Bill proposed that no person who had been fined the full penalty of 20*s.* for the non-vaccination of his child, or who had been twice fined in smaller sums on that account, should be liable to any further penalty under the Act. The Committee had recommended that whenever one full penalty had been imposed by the magistrate on the parent for the non-vaccination of a child, no further penalties should be levied upon him in respect of that same child. That provision was supported in the House of Commons by a large majority, but was struck out in the House of Lords by a majority of 1—15 Peers taking part in the division—and the Amendment thus made was accepted by the Government as the only chance of passing the Bill that Session. There could be no doubt that, in some few cases, disease, and even death, did result from the vaccination of infants, and it was not surprising, therefore, that here and there parents should conscientiously object to risk the lives of their children by submitting them to the process. Again, though the parents might be sent to prison for neglecting the Act, it generally happened that the children still remained unvaccinated; and it was also beyond doubt that the birth of children in many cases were left unregistered, and that in others the parents left their houses in order to evade the vaccination officers. He was not pleading for those who neglected to have their children vaccinated merely from carelessness; but he did appeal on behalf of parents who, having the most conscientious and deeply-rooted objection to the process, were now brought up and fined over and over again on that account. The law was one intended to do people good against their will; but it went far beyond the recognized principle that punishment purged the offence. In many instances men were fined over and over again, and in one case in London a man had had eight distress warrants issued against him in 14 months in respect to the non-vaccination of three children, and had been put to expenses of close on £20. In another case, a person had been fined five times, and his expenses were £13 15*s.* And scores of similar instances had occurred, the most flagrant being, perhaps, that of a parent in Kent, who had undergone, within a space of two years or less, the following terms of imprisonment because of his refusal to comply with the Acts:—14 days in Canterbury Gaol, 14 days in Maidstone Gaol, 31 days in the County Gaol, 31 days again in the same gaol, and 10 days in the same gaol. He believed the adoption of his measure would practically do a great deal more in the way of securing general vaccination than the leaving the law in its present state, and he trusted, therefore, that the House would accord it a second reading.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Pease.*)

Mr. MONK said, he hoped that the House would seriously consider the matter before it assented to the Motion. After the serious outbreak of small pox, by which the population of some of our large towns had been decimated, and which was still lingering on our thresholds, he thought the proposal was singularly inopportune, and he could scarcely believe that this retrograde step would be adopted by the House. The Bill, in reality, would be equivalent to an invitation to parents to disobey the law by giving them a practical impunity in the case of their continued contumacy. Absolute necessity was shown, by the highest medical authorities, for keeping the vaccination laws unrepealed. A clergyman, writing on the subject of this measure, said that if it succeeded, it would establish a system for the sale of indulgences, while it set a bad example. The House would do well to follow the course adopted by the Lords last year, and determine to read the Bill a second time that day three months, a course which he should take the liberty of moving.

MR. C. S. READ, in seconding the Amendment, said, that Clause 10 of the Government Bill of last year, which was really the Bill of the hon. Member opposite (Mr. Pease), was one which would convert compulsory vaccination into a sham. He had stayed in the House last Session morning after morning for six weeks, with a view of opposing the clause; but, on the 15th of August, he went to bed at 1 o'clock, and when he rose, he found from *The Times* that the Vaccination Bill had passed through Committee. The only principle on which the expense of vaccination could be charged to the rates was, that it should be compulsory and universal; for if it were not so, he was persuaded that the cases of small-pox would increase to such an extent that Government would have to make every town provide an hospital. That was certainly a novel principle in legislation, which said if a man threw down a sovereign on the table before the justices, he should be allowed to break the law. This " sale of indulgences " was extended to the rich only. It was asked, what shall we do with the martyrs? If they did away with martyrdom in this matter, they would deprive a number of persons of a peculiar satisfaction—those persons who were never happy unless they were martyrs. But the law ought to be strong enough to knock martyrdom out of such people altogether. Were this Bill passed, they might as well say that a man who had committed a nuisance might do it over and over again on paying one penalty. He regarded an unvaccinated child as a danger and a nuisance. The authors of the anti-vaccination agitation appeared to be almost exclusively members of the Society of Friends; and he observed by their published report that in 1871, about £184 was paid to the hon. secretary, while the amount paid for the martyrs did not exceed £2 14*s.* 4*d.* He might add another fact to that, of some importance. From Darlington, the very centre of this agitation, he had presented to the House Petitions signed by several thousand persons against a measure of this character, and several from Boards of Guardians and other public bodies. No doubt, amendments were required in the law, and before compulsory vaccination could be fully enforced, it was necessary to make the registration of births compulsory also. It was particularly desirable that there should be an adequate supply of pure lymph. It might be asked, would they have the child taken by the police from the mother's breast and handed over to the public vaccinator? They were now, however, applying the principle of direct compulsion to the education of children, and he did not see why they should not equally apply it to vaccination, which might be the means of saving the child's life, and also of preserving the public health.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Monk.*)

Question proposed, "That the word 'now' stand part of the Question."

DR. LYON PLAYFAIR said, that as a Member of the Vaccination Committee, he had to express his great regret at not having divided it, against the recommendation which formed the basis of this Bill. This was owing to his high respect for his right hon. Friend (Mr. W. E. Forster), who was Chairman of that Committee. The principle involved in the Bill was novel and dangerous. Its object was to relieve persons who had been fined twice for refusing to vaccinate their children, from further penalties. But that, as a principle, would be fatal to all legislation, for it really admitted that a law might be broken more than twice with impunity, though less than twice with a penalty. It mattered nothing whether the object of the law aimed at the protection of an individual, or of his neighbours. A man was often punished for injuring himself alone. They fined an imprudent passenger for getting into a railway train when it was in motion, or a man or woman for attempting suicide; but, surely, it would be a strange thing to liberate these persons from the penalty of the law, because they committed these imprudent or wicked acts more than twice. Condonment of offence could not logically follow frequency of commission. The only argument for the Bill worthy of attention was that it provided a sort of safety-valve for the more easy working of the Vaccination Acts; but its action, even for that purpose, was very doubtful. The breakers of the law were rarely rich men; but what respect could a poor population have for a law which sold indulgence for its infraction at a comparatively cheap cost to the prejudiced rich, and at a heavy cost to the prejudiced poor? Indulgence for the infraction of law sold at 20*s.* to the rich was cheap, though it was dear at that price to the poor. Now, no law could possibly be respected that acted so unequally, or that contained within itself its own condemnation; and, surely, it was self-condemned, if it possessed so little inherent force that it was exhausted by two single operations. The supporters of the Bill did not urge them to pass it because vaccination had failed. They did so, only because there was a class of persons who were prejudiced against it. Now, that House, by a Committee, heard the grievances of those persons in the fullest and most patient manner, and though the Committee recommended a measure of the nature of that now before them, the Committee at the same time came to the conclusion that the operation of the Vaccination Acts had been most salutary. Those Acts were passed not simply for the protection of individuals from a loathsome disease, but also to prevent them from becoming centres of contagion to others. Individual disbelief in a remedy which science and experience had confirmed as effective beyond all reasonable doubt, was no justification for relieving the conscience of that individual at the expense of society. If the law was wrong, abolish it; if it was right, let them not establish a new principle of legislation by enacting that repeated infraction mitigated and nullified the offence, or that indulgences for the infraction of law could be bought by money.

MR. HARVEY LEWIS said, there was among certain classes a widespread feeling, which he did not share, against compulsory vaccination, arising in some degree at least from the careless manner in which the operation had been performed, and the bad quality of the lymph employed. He held in his hand a document put forward by the Anti-Vaccination Association, which he thought was creditable to that body. The Society said that while they approved the motives of the author of that Bill, in limiting the penalty in the way he did, they nevertheless believed that its effect would be to sell an immunity to those who could afford to pay for it, and to leave the poor still under the lash of the law. Entertaining that opinion himself, he could not vote for the second reading of the measure.

MR. STEPHEN CAVE said, he intended to vote against the Bill. He had, however, no wish to shirk the responsibility of the recommendation. He had been induced, as a Member of the Committee, to support the limitation to which objection had been taken by the evidence chiefly of Dr. Simon, who stated that what they more especially wanted to do was to catch the careless and negligent parents. There were very few parents who had conscientious objections to vaccination, and it was desirable in those instances that there should be no semblance of persecution for conscience sake. This was not a crime upon the heinousness of which all were agreed, but an offence against a recent enactment about which there was certainly a difference of opinion. The question, therefore, was not so plain and simple as some hon. Gentlemen seemed to think. There was also evidence of some cases in which vaccination had been positively injurious from having been badly performed, and for other reasons. Under those circumstances, were they to go on punishing persons who strongly objected to have their children vaccinated, and who proved their sincerity by their readiness to submit to repeated and severe penalties? But with regard to parents who were simply careless and negligent, Dr. Simon thought that the infliction of a small fine in the first instance, and a heavier one afterwards, would induce them to have their children vaccinated, and in that way the really serious evil would be got rid of. Before the Committee the arguments of the Anti-Vaccination Society entirely broke down, and it was proved that vaccination was in almost every instance a perfectly safe and efficient protective, when properly performed, and therefore the Committee thought it ought to be made compulsory on the community in general. He confessed that he had shared the doubts expressed by the hon. Member for the

University of Edinburgh (Dr. Lyon Playfair), as to the effect of the limitation referred to, and though he did not go so far as the hon. Member in regretting what he had done, he did not like it, and in common with many of the Committee he had assented to it only as being, perhaps, the least of two evils. But Parliament having chosen to pass a different Act and disregard the recommendation of the Committee, he thought it would be much better—especially as they had just heard that the very people in whose behalf the limitation was made repudiated it—that the law should remain unaltered as it now stood until, at any rate, the experiment had been tried for a longer period, in which case the opposition to vaccination would probably die out by degrees.

MR. W. E. FORSTER said, he regarded that as a very difficult question; indeed, he did not know that he had ever been engaged in any inquiry that was more so. The Members of the Committee, even including the hon. Member for the University of Edinburgh (Dr. Lyon Playfair), who had now recanted his previous opinion, would all acknowledge the difficulty of the subject. When they came to deal with matters involving an interference between parent and child, if they were bent on being strictly logical in carrying out the principle of compulsion, there could be no doubt that their practical difficulties would be enormous. What they wanted to do was to apply to a terrible disease the greatest check and prevention which they could arrive at; and it was a question whether, after all, it was expedient to go on punishing again and again a few persons who objected conscientiously to vaccination. There was a large number of parents who simply neglected to have their children vaccinated, and who had no feeling against it, while there were others again—not so numerous—who were perfectly reckless about the matter. The infliction of a penalty would meet the case of both those classes. Then, as to the small number of persons who had a strong and positive objection to vaccination, he thought it would conduce to the well working of the Act if they had as little to do with that class as possible. As it would hardly be proposed that they should take their children by force to be vaccinated, to go on punishing the parents would excite a prejudice against that valuable remedy, and perhaps, in the end, prevent more children from being vaccinated than would otherwise be the case. They once had a Member in that House whom nothing would induce to have his child vaccinated. Under the existing Act the rich man practically could—and he believed in some instances would—defy the law. Therefore, it was not a question of substituting by the present Bill an unequal for an equal law as between rich and poor. In conclusion, he felt still inclined to take the view he took last year on that matter; but he put it to the hon. Member who had charge of the Bill whether, with the strong feeling evidently existing in the House, he would not postpone his measure, and allow the present law to continue working for another year or two, when it was possible that the opinions of the Anti-Vaccination Society might cease to be held.

MR. CANDLISH said, he must express his astonishment at the course pursued that day by the hon. Member for the University of Edinburgh (Dr. Lyon Playfair). That hon. Gentleman had changed his opinion on that question no fewer than four times since 1870—a fact which must detract from the weight of his authority. The Bill before the House did not repeal the present law, but only modified its penalties, to relieve those who could not and would not consent to have their children vaccinated. ["Divide!"] He could not consent to divide in the present state of the discussion. They were not asked to repeal the law, but only to modify its provisions—

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

EDUCATION RATE APPORTIONMENT BILL.

On Motion of Mr. MAGNIAC, Bill for the apportionment of Rates for Educational purposes between Owner and Occupier, *ordered* to be brought in by Mr. MAGNIAC, Captain EGERTON, Mr. RATHBONE, and Mr. HENRY ROBERT BRAND.

Bill *presented*, and read the first time. [Bill 239.]

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) SUPPLEMENTAL BILL.

On Motion of The LORD ADVOCATE, Bill to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Royal Burgh of Dumbarton, *ordered* to be brought in by The LORD ADVOCATE and Mr. ADAM.

Bill *presented*, and read the first time. [Bill 238.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 11*th July*, 1872.

MINUTES.]—Public Bills—*Second Reading*—Pier and Harbour Orders Confirmation (No. 3) * (202); Treaty of Washington (191); Queen's Bench (Ireland) Procedure * (159); Colonial Governors Pensions * (196).

Committee — Inclosure Law Amendment (169-204).

Committee—Report—Sites for Places of Worship and Schools * (166-206); Acrobats * (173-207); Local Courts of Record * (185); Chain Cables and Anchors Act (1871) Suspension * (163).

Report—Court of Chancery (Funds) * (195-205).

INCLOSURE LAW AMENDMENT BILL.

(*The Earl of Morley.*)

(NO. 169.) COMMITTEE.

House in Committee (according to Order).

(*Preliminary.*)

Clauses 1 and 2 *agreed to.*

(*Allotments for Recreation Grounds and Field Gardens.*)

Clause 3 (Allotments for recreation grounds and field gardens out of common).

Lord PORTMAN said, he had given Notice of a series of Amendments to this clause, with the view of testing the opinion of their Lordships as to whether one-tenth of the lands to be inclosed as a minimum should be set apart for public recreation grounds—that being the proposal in the clause. Public recreation grounds were very desirable in their way; but it would be a positive wrong to take from the commoners a tenth part of the land over which they had rights, and to hand them over to the public without compensation to those from whom they were taken. If it was really intended to curtail all inclosures in that way, the pressure in many cases would be extreme, and would doubtless be resisted. He had no objection to proper facilities being given to the public for recreation on commons, and for field gardens, but he strongly deprecated any such peremptory interference with existing rights. He moved the omission of the word "shall," in order that the word "may" might be inserted in its place.

Lord ORMATHWAITE said, a distinction should be made between urban and suburban commons and wastes that were situate in remote parts of the country. In Cumberland and Westmoreland, for instance, there were great tracts of country, mostly used for sheep-walks, and thinly inhabited, and any noble Lord who was acquainted with such localities must be aware that the proposition to allot such land for recreation purposes or for cottage gardens was in itself totally impracticable. The provisions of the Bill were absurd and ludicrous, both with regard to recreation grounds and garden allotments. Land so set apart on the top of hills would be utterly useless, and become monuments of a rash and ill-considered scheme.

The Earl of MORLEY said, this was the most important clause of the Bill. There appeared to be some misapprehension as to the existing law on the subject. At present it was left to the the Inclosure Commissioners whether they should make the allotments now objected to as confiscation; but if the Commissioners did not in their discretion provide for these public allotments, they were bound to assign reasons to the Secretary of State in their annual Report. If the lord of the manor could obtain the unanimous consent of the commoners, he could at once inclose the common without having recourse to the scheme provided by this Bill; but if Parliament gave them such facilities for inclosure as this Bill afforded it had a right to annex conditions in return for the advantages which the Bill would confer. He denied that the Bill confiscated any rights, whether of the lords or of the commoners; but it was a difficult question to decide how Parliament was to compensate the public for certain general rights which they had over commons as against the almost dormant rights of commoners and the legal rights of the lords of the soil. The object of the clause was to provide that there should in every case be a portion of the commons set aside for public purposes; and it was thought that this allotment should take the form of a recreation ground or field gardens, or both. The clause provided that the allotment for these purposes should not be less in extent than one-tenth of the whole, except in cases where the inclosure exceeded 500 acres. Where it exceeded 500 acres the maximum of allotment for public purposes was to be one-tenth and the minimum 50 acres. The noble Lord (Lord Ormathwaite) had alluded to cases, such as those of mountainous land, where allotments for public purposes would be of no real public utility; but in such cases there could be exchanges under a power given by the Act of 1845, and proprietors would be glad to make exchanges of land where by so doing they could obtain facilities for inclosure at a moderate expense.

THE DUKE OF RICHMOND said, their Lordships were asked to legislate on Reports and evidence made to the other House of Parliament, which Reports had never been laid before their Lordships, and therefore they were in great difficulties as to this Bill. He did not understand what the noble Earl (the Earl of Morley) meant by "dormant rights." He believed there were no common rights which were not exercised from day to day, and therefore they could not be regarded as dormant. He thought the compulsion to set aside these allotments in every case was objectionable. There were certain commons which it might be very useful and desirable to inclose; but there were large districts in Wales and Cumberland with which it would be impossible to deal in a satisfactory manner. Therefore he thought inclosure should not be made compulsory in all cases, and would vote with the noble Lord opposite if he went to a division.

THE EARL OF MORLEY expressed his regret that the Report of the Select Committee and the Evidence taken before it had not been presented to their Lordships according to his promise.

LORD PORTMAN said, the object of his Amendment, upon which he intended to take their Lordships' opinion, was that no ground should be allotted for recreation grounds to the injury of the property of the commoners, except it were first paid for by the parties to be benefited.

THE EARL OF KIMBERLEY said, that by the existing law the Commissioners might allot recreation ground free of expense; but the noble Lord's proposition was that there should be no further allotments free of expense.

THE DUKE OF RICHMOND thought that under the circumstances it would be better not to divide.

Amendment (by leave of the Committee) *withdrawn.*

LORD WENLOCK said, that the arbitrary provision for setting apart 50 acres in all cases must have been introduced into the clause by some person who had but little knowledge of the subject.

Amendment *moved* to leave out from ("allotment") to the end of the clause, and insert—

"(Where such common exceeds 400 acres) according to the following schedule:—namely, for every thousand or fraction of a thousand of population, 20 acres; for every additional thousand of population 10 additional acres, and so on up to 60 acres. Where the area of land to be inclosed does not amount to 400 acres, the Commissioners shall determine the amount of allotment, having regard to the special circumstances of the parish; provided always, that no such allotment shall be of less extent than 10 acres."—(*The Lord Wenlock.*)

THE EARL OF MORLEY admitted that the proposed minimum of 10 acres was an improvement on the Bill, as being in favour of the public; but the proposition of his noble Friend was to make the allotment in proportion to the population instead of according to the area, as was proposed by the Bill. He thought that it would be very difficult to carry out such an arrangement, and he could not acquiesce in it. The noble Lord had not explained whether the population was to be that of the parish, or of the neighbourhood, or of an adjoining town. If the parish merely was taken, it must be remembered that the population might be considerably increasing, that manors were often not coterminous with parishes, and that adjoining parishes frequently shared at present in the enjoyment of these commons. If, on the other hand, the population of the neighbourhood was taken, there would be a difficulty in settling its limits and a special census would be necessary, thus increasing the expense of the inclosure. It was desirable, also, to give the Commissioners the power of distributing the allotments over different places, instead of confining it to one particular spot.

THE DUKE OF RICHMOND said, that every succeeding step confirmed him in the opinion he expressed on the second reading, that the Bill could only be properly dealt with by a Select Committee. He doubted, indeed, whether the Bill would be found satisfactory when it left the Committee; and if it should be so, he should be obliged at a future stage to take the sense of the

House upon it. He could not support the Amendment of the noble Lord.

Lord PORTMAN recommended the withdrawal of the Amendment, in order that the question might be decided on the proposal to be made by the noble Duke (the Duke of Richmond).

Amendment (by leave of the Committee) *withdrawn.*

The Duke of RICHMOND moved, in page 2, lines 38 and 39, to leave out ("than one-tenth of the common, nor of less extent").

On Question, "That the words proposed to be left out stand part of the Clause?" Their Lordships *divided:*—Contents 57; Not-Contents 52: Majority 5.

Clause *agreed to.*

Clause 4 (Allotment for recreation ground out of commonable land) *agreed to.*

Clause 5 (Situation, &c. of allotment for recreation ground and field garden).

On Motion of The Duke of Richmond, in line 19, the word ("may") inserted in lieu of ("shall"), making the clause permissive instead of obligatory.

Clause, as amended, *agreed to.*

Clause 6 (Allotment for paths, rides, and drives).

The Duke of RICHMOND said, the clause declared that the allotments for these purposes were to be vested in the churchwardens or other local authorities, but that it should not be obligatory on the parish to repair such rides, paths, or drives. He should like to know who were to be responsible for the expense of keeping the riding and driving paths in order in such places as Malvern, Brighton, and Buxton?

The Earl of MORLEY explained that it would not be compulsory upon the parochial authorities to keep up the paths in question, but there was nothing to prevent them from doing so. By Clause 9 the surplus rents at the disposal of the allotment Wardens were applicable to keeping up those paths, rides, and drives.

The Duke of RICHMOND said, he could not see that any provision was made to meet cases where no such funds existed applicable to that purpose. The duty of keeping up these roadways ought to be imposed upon somebody or another.

Earl BEAUCHAMP said, he did not see why their Lordships were to be called upon to make provision for the recreation of those who used carriages and horses. That particular clause had nothing to do with the advantage of the poor, and would only benefit the wealthy. Having some experience of the neighbourhood of Malvern, he could state that there was no necessity for further legislation for that place. The clause seemed to him to be quite beyond the main purpose of the Bill, and had better be left out altogether.

The Earl of MORLEY pointed out that the clause related to paths as well as rides and drives, and therefore the poorer classes were interested in the matter. He was willing, however, to amend the clause on the Report, so as to meet objections.

The Earl of POWIS thought that, if this provision were adopted at all, it ought to be enacted that the paths, rides, and drives should be set out on the requisition of the local authorities of the town concerned, who should be called upon and empowered to maintain them out of the local rates. The provisions of the law relating to suburban commons, however, rendered the clause wholly unnecessary; but as regarded roads in country inclosures, the roads made of necessity for agricultural purposes were quite sufficient for the accommodation of the district.

The Earl of KIMBERLEY held that the clause did not affect a few towns only, but the whole people of this country, It was not a question merely of a few carriage drives, but it would apply to all the open spaces of England. The entire population of the kingdom was greatly interested in not having all the open spaces of the country inclosed, and it was not an unimportant matter to see that those roads and drives were maintained. Still, he did not think that the clause was of first-rate importance, and therefore he would assent to it being negatived upon the understanding that a new one should be brought up on the Report if necessary.

Clause *struck out.*

Clause 7 (Expenses of clearing, draining, and fencing allotment for recreation ground and field garden).

THE DUKE OF RICHMOND said, the clause provided that these expenses should be paid by the valuer as part of the general expenses of the inclosure. He thought it unjust to make those who were to be deprived of their property pay for the expense of doing it. He moved that the clause be struck out.

THE EARL OF MORLEY hoped the clause would be retained. At present the field-garden allotments were often in such a state that it was extremely difficult and costly to clear them; and, consequently, the poor people who had these allotments made to them were often unable to take advantage of them. The clause was distinctly recommended by the Committee of the other House which had inquired into the subject.

LORD PORTMAN suggested that the noble Earl should reconsider the clause. It was liable to much abuse. A number of gentlemen might think the most recreative use of the ground would be to make it a cricket-field, so that the commoners would have to pay for levelling the rich man's ground. The limitation of the expense to field gardens for the inhabitants was not open to any similar objection.

THE EARL OF KIMBERLEY said, he did not think there was ground for any such fear. Under the present law, when a recreation ground was set out by the Commissioners, the expenses were paid as part of the general costs of the inclosure. Those recreation grounds were for the poor, not for the rich; and the gift, whether of a recreation ground or a garden allotment, ought not to be made in such a manner as to render the gift useless.

THE MARQUESS OF SALISBURY said, that to take a tenth part of a common, and clear, drain, and fence it might exhaust nearly the whole value of the common land.

THE EARL OF MORLEY explained that the clause contained these qualifying words—"unless the Commissioners think it inexpedient so to do."

After some conversation, Amendments made.

Clause, as amended, *agreed to.*

Clauses 8 to 13, inclusive, *agreed to.*

Clause 14 (Map of recreation ground, field garden, path, ride, and drive) *struck out.*

Regulated Pastures.

Clauses 15 to 18, inclusive, *agreed to.*

Suburban Commons.

Clause 19 (Definition of suburban common).

EARL BEAUCHAMP moved the omission of the word "boundary," in order to substitute the word "town-hall," the object of his Amendment being that the distance of a common from a populous place should be calculated from the centre of the town, instead of from the municipal boundary.

On Question, "That the words proposed to be left out stand part of the Clause?" Their Lordships *divided:*—Contents, 19; Not-Contents, 15: Majority, 4.

Clause *agreed to.*

Clauses 20 to 31, inclusive, *agreed to.*

Clause 32 *struck out.*

Clauses 33 to 40, inclusive, *agreed to.*

Schedules *agreed to.*

The Report of the Amendments to be received on *Tuesday* next, and Bill to be *printed,* as amended. (No. 204.)

TREATY OF WASHINGTON BILL.

(*The Earl of Kimberley.*)

(NO. 191.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF SALISBURY suggested that a Bill of such great importance, and relating to matters on which differences of opinion existed, should not be brought on in such a thin House, but should be postponed until it was able to secure a better attendance.

THE EARL OF KIMBERLEY said, he would have complied with this suggestion had it been made at an earlier period of the Session, but full Notice of it had been given, and he did not think it necessary to postpone the Order because noble Lords had not thought it worth while to attend in their places. Observations might be made at any future stage, and the whole matter had been discussed more than once. The sole object of the Bill was to carry into effect the Fishery Clauses of the Treaty of Washington in accordance with Article 33, which provided that certain Articles should take effect as soon as the

Legislatures of Great Britain, Canada, Prince Edward's Island on the one hand, and the Congress of the United States on the other, should have passed the laws required to carry them into operation. The Bill was of the same nature as the Act passed in 1854, its purpose being to suspend an Imperial Act, such suspension being necessary to the operation of the Treaty; but the provisions of the Treaty were, of course, different. There was also this difference—that in 1854 the United States Congress had already passed the necessary Act; while at present this had not been done. The Canadian Parliament, however, and the Legislature of Prince Edward's Island had passed the necessary Act, and Congress, on meeting in December, would no doubt do the same; but as Parliament might not meet after the Prorogation until early next year, when the fishery season would have come on, the Government had thought that the necessary legislation should be taken this year. The Act would not, of course, come into effect till Congress, on its part, had passed an Act. Thinking it needless to go through and defend the clauses of the Treaty, he would only take this opportunity of stating that, although, in the first instance, the Treaty was undoubtedly received with a certain amount of dissatisfaction in Canada, that dissatisfaction to a great extent disappeared on its being fully considered, and its provisions better understood. He would remark also that when the Treaty came on for discussion in the Canadian House of Commons, it was so well supported that on the second reading of the Bill the Government had a majority of 66—and what was more remarkable, there was a majority from every one of the Provinces. Ontario gave a majority of 44 to 34; in Quebec the numbers were 45 to 16; Nova Scotia 13 to 2; New Brunswick 10 to 3, the other Provinces being unanimously for it. It should also be specially noted that the three maritime Provinces, Quebec, New Brunswick, and Nova Scotia, the Provinces specially affected, gave a majority of 68 to 21 in favour of the Bill. It would be unfair to ascribe the majority solely to satisfaction with the Treaty, though he was confident that its provisions, when thoroughly understood, were found more favourable than the Canadian people at first supposed. He attributed it also in no small measure to the good feeling manifested throughout the Dominion towards this country, and to the desire which they entertained of acting in unison with the policy of the mother country, and of supporting it on all occasions. That spirit was markedly exhibited during the debates, and it was alike gratifying to England and honourable to the whole Canadian people. He was not aware that in Prince Edward's Island there was any serious opposition to the Bill; while in Canada it was unopposed in the Senate, and the opposition to it in the other House was withdrawn after the second reading.

Moved, "That the Bill be now read 2ª."—(*The Earl of Kimberley.*)

THE MARQUESS OF SALISBURY said, he would not utter a word in depreciation of the loyalty of the people of the Dominion, or in diminution of the just eulogy passed on them by the noble Earl. They had shown a desire to co-operate with the people of this country, both in accepting the Fishery Clauses, which must in many respects have been very distasteful to them, and in waiving their just claim to compensation for the Fenian raids. But, however flattering to ourselves, it was, nevertheless, hardly consistent with historical truth to suppose that they had been influenced solely by sentimental reasons for the courteous and friendly course they had taken. Her Majesty's Government had obtained the co-operation of Canada; but it must not be forgotten that, in return for that co-operation, they had consented to a certain financial operation which added considerably to the price this country would have to pay for the Treaty. This country was, in fact, about to undertake the hazardous guarantee of a large sum the Dominion was to borrow. He regretted that the noble Earl (the Earl of Kimberley) had not consented to wait and submit this important measure to a fuller House, when it could have been more carefully gone into; but it was certainly consolatory to think that, however badly the interests of England might have been looked after by the Government in the proceedings of which this Bill was the crown, that they had been attended with no diminution of the good feeling which existed, and he hoped would always exist, between Canada and this country.

THE EARL OF KIMBERLEY said, he would not presume to criticize the remarks of the noble Marquess. Why he made no allusion to the proposed Imperial guarantee of a loan of £2,500,000 in aid of the expense of canal improvements and the construction of the Pacific Railway was, that no reference to it was contained in the Bill. Under the agreement with the Dominion the guarantee was to be proposed on the Treaty coming into effect, and this involving legislation by Congress, which did not meet till December, it would not be proposed till next Session.

LORD ORANMORE AND BROWNE said, that the Government of the Dominion had condemned the Washington Treaty in most unequivocal terms, and accepted it only on condition of the loan being guaranteed. Our Government had agreed to guarantee this loan solely because we had not sufficient moral courage to enforce the claims against the United States for the Fenian raids. The course which had been adopted in this matter was a very exceptional one, was not honourable to this country, and was likely to afford a most dangerous precedent for the future.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at half past Eight o'clock, 'till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 11*th July*, 1872.

MINUTES.]—NEW MEMBER SWORN—Walter Thomas William Spencer Stanhope, esquire, *for* the West Riding of the County of York (Southern Division).

WAYS AND MEANS—*considered in Committee—Resolution* [July 10] *reported*—Consolidated Fund (£8,000,000).

PUBLIC BILLS—*Ordered—First Reading*—Consolidated Fund (£8,000,000)*; Larceny Law Amendment* [241]; Judges' Salaries* [242]; Income Tax Collection (Public Departments)* [243]; Expiring Laws Continuance* [244]; Turnpike Acts Continuance, &c.* [245]; Workmen and Servants (Compensation for Injuries)* [246].

First Reading—Statute Law Revision* [197].

Second Reading—Intoxicating Liquor (Licensing) [198]; Grand Juries (Ireland)* [226]; Galashiels Jurisdiction Act Amendment* [225]; Basses Lights (Ceylon)* [234].

Committee—Report—Metropolitan Tramways Provisional Orders Suspension* [219]; Corrupt Practices at Municipal Elections* [86]; Adulteration of Food, Drugs, &c. [37].

Considered as amended—Mines (Coal) Regulation [150-240].

Third Reading—Railways Provisional Certificate Confirmation* [192], and *passed.*

Withdrawn—Vaccination Acts Amendment* [91]

IRELAND—IRISH CONSTABULARY—COSTS OF COLONEL HILLIER.

QUESTION.

CAPTAIN ARCHDALL asked the First Lord of the Treasury, Whether the cost incurred by Colonel Hillier, Deputy Inspector General of Constabulary, in the actions brought against him for his illegal proceedings at Londonderry City in December 1870, were paid by Her Majesty's Government out of the public funds?

THE MARQUESS OF HARTINGTON, in reply, said, that when legal costs were incurred by officers of the Government in the execution of their duty, they were generally defrayed out of the Vote for Law Charges. That, however, could not be done without the sanction of the Law Officers of the Treasury, and it was not yet decided whether the costs incurred by Colonel Hillier should be paid out of that fund or not.

EDUCATION—TEACHERS UNDER THE LOCAL GOVERNMENT BOARD.

QUESTION.

MR. REED asked the Vice President of the Council, Whether first and second class Certificates held by teachers under the Local Government Board, and entitling them to the charge of pupil teachers in workhouse schools, will be acknowledged by the Education Department as a full qualification for service in public elementary schools?

MR. W. E. FORSTER, in reply, said, it had not been the practice of the Education Department to acknowledge first and second-class certificates held by teachers under the Local Government Board, and entitling them to the charge of pupil teachers in workhouse schools, as a full qualification for service in public elementary schools. He feared that the rule could not be relaxed. The Education Department were responsible for elementary education as far as certificates were concerned, and the prescribed conditions with regard to those certificates must be adhered to. Besides, relaxing the rule would not enlarge the supply of teachers; it would simply bring teachers from one school to another.

THE INDIAN BUDGET—QUESTION.

Sir STAFFORD NORTHCOTE asked the Under Secretary of State for India, Whether he can name a day for bringing forward the Indian Financial Statement?

Mr. GRANT DUFF said, he hoped to bring it forward on Friday, August 2, at 2 o'clock.

SCIENCE AND ART MUSEUM, EAST LONDON.—QUESTION.

Mr. HOLMS asked the Vice President of the Council, Whether leave has been given to any visitors to enter the Bethnal Green Museum on Sundays; and, whether he is aware that there were any visitors at the Museum last Sunday?

Mr. W. E. FORSTER: The facts with regard to the visitors to Bethnal Green Museum on Sundays were as follows:—I was informed, about the middle of last week—by a Member of this House, I believe—that there had been some visitors to the Bethnal Green Museum on the previous Sunday. That was the first information that I had received of the fact, and the first notion I had that the Museum was at all open on Sunday. I brought the matter before the first Board we held at South Kensington—namely, on Friday morning, when I learnt that Mr. Cole had agreed, on his own responsibility, in accordance with previous custom, to issue, chiefly to Peers and Members of the House of Commons, tickets of admission to the Museum available for Sunday afternoon after 2 o'clock. I do not at all consider that Mr. Cole was to blame, because he was acting in accordance with precedent; but Lord Ripon and myself both thought that it would be most desirable that it should not be allowed in future. Whatever might be our own personal opinions in regard to the general policy of opening museums on Sundays, there can be little difference of opinion that the Bethnel Green Museum should not be opened for the rich and closed to the poor on that day. We therefore passed a Minute that the police were to be instructed to take from the visitors on Sunday their

tickets of admission when they were presented, and that no more of them were to be issued. We felt that we could hardly turn back the ladies and gentlemen who might come on Sunday, with the tickets which had been granted them; but the arrangement that I have described will soon have the effect of calling in the tickets, and I do not imagine that there will be many more visitors to the Museum on Sundays. I may add that we felt that we could not take from Sir Richard Wallace the power of inspecting his own pictures on Sunday, and consequently we gave him an ivory ticket, admitting himself or anyone who had that ticket, at any time he liked, but not specially on Sundays. The reply that he sent us was only consistent with the previous munificence of his conduct. He wrote to say that he was obliged for the pass that had been sent him for himself and his friends; but as the Lords of the Committee of Council had wisely determined that no Sunday passes were to be granted, he felt that he must decline to make use of his ivory ticket on Sunday, except, of course, when he had to pay the Museum a visit on business; for he had no doubt that it would create a bad impression on the inhabitants of Bethnal Green if the Museum was only open to a privileged few on Sundays. Sir Richard Wallace, however, also expresses his opinion that it would be advantageous to the public if all the Museums were open on Sundays for certain hours, and under proper restrictions. I trust that the House will think that we have really done what we could to prevent any privilege being given to one person over another, and I hope that the gentlemen whose tickets are to be called in will not, under the circumstances, complain, or feel themselves aggrieved at losing the privilege for the future.

NAVY—EXPERIMENTAL GUNNERY.

QUESTION.

Mr. LAIRD asked the First Lord of the Admiralty, Whether, looking to the importance of ascertaining the comparative efficiency for actual warfare of iron-clad broadside ships built on the central battery principle, carrying heavy guns worked by machinery, and ships on the turret principle, carrying a heavy armament, he will consider the propriety of recommending a somewhat similar experiment to be tried on the central battery of one of Her Majesty's broadside ships to that tried on the turret of Her Majesty's ship "Glatton," on Friday last?

MR. GOSCHEN: The experiments with regard to the *Glatton* were instituted to decide on a particular part of the turret system—not the penetrability of the armour, but whether the turret would revolve after being struck. No similar experiments, he said, were advised in regard to the central battery, nor was it the intention of the Admiralty to institute any such experiments as those suggested in the Question. He did not see how they could be conducted, or what point of special value they would serve to throw light upon.

COUNTY COURT JUDGES—CIRCUIT No. QUESTION.

MR. WEST asked the First Lord of the Treasury, Whether it is the intention of the Lord Chancellor to fill up the County Court Judgeship rendered vacant by the death of Mr. Dimsdale, before the Motion respecting the reduction of the number of County Court Judges, now standing for Friday next, is disposed of?

THE ATTORNEY GENERAL, in reply, said, the Lord Chancellor had directed inquiry to be made how far the circuit lately filled by Mr. Dimsdale could with advantage and propriety be absorbed into other circuits. If it could it would be so absorbed, but not otherwise. In the course of the last two or three months two County Court Judgeships had been suppressed by the Lord Chancellor; but the Government could give no pledge as to the suppression of particular Judgeships or the reduction of the number to 35, and he would remind the hon. and learned Gentleman that nobody had fixed that limit but himself.

ARMY — AUXILIARY FORCES — YEOMANRY ADJUTANTS.—QUESTION.

MR. J. LOWTHER asked the Surveyor General of the Ordnance, Whether he is correctly reported to have said, in reply to a Question in this House on the 24th ult.—

> "Adjutants of Yeomanry Cavalry not having yet to perform any financial duties their pay has not yet been raised to that of an Adjutant of Volunteers;"

whether it is the case that Adjutants of Yeomanry regiments have to perform duties of a financial character, such as the payment of Non-Commissioned Officers on the Staff, as well as saddlery bills and other accounts incidental to a cavalry regiment; and, whether he is aware that considerable difficulty has arisen (in consequence of the inferior rate of pay) in obtaining efficient officers to fill the position of Adjutant in Yeomanry regiments, and that the Cumberland and Westmoreland Regiment of Yeomanry has been without an Adjutant since the middle of April, one officer appointed on the recommendation of His Royal Highness the Commander in Chief from full-pay, and another from half-pay, having resigned as soon as the new rate of pay was explained to them?

SIR HENRY STORKS: The statement to which the hon. Gentleman refers is correctly reported. So far as the War Department is concerned, adjutants of Yeomanry are not as yet held responsible for the performance of any financial duties. All moneys are issued to the commanding officers, who are held solely responsible for all the accounts incidental to a Yeomanry cavalry regiment. I am aware that two officers, one on full-pay and the other on half-pay, have declined to take up the appointment of adjutant to the Westmoreland and Cumberland Yeomanry; but, with this exception, I have not heard that any difficulty has arisen in obtaining efficient officers to fill these appointments.

MR. J. LOWTHER: Does the right hon. and gallant Gentleman contemplate any alteration of the existing arrangements?

SIR HENRY STORKS: The regulations are under consideration.

CORRUPT PRACTICES BILL.—QUESTION.

MR. ASSHETON CROSS asked the First Lord of the Treasury, Whether it is the intention of the Government this Session to press on the "Corrupt Practices" Bill, as being an essential part of Parliamentary Election Reform; and, whether they will give any assistance in passing the "Corrupt Practices at Municipal Elections" Bill?

Mr. GLADSTONE, in reply, said, that in speaking of the Corrupt Practices Bill, he was afraid he must draw a distinction between the Bill as it stood and the Amendments which it was proposed to make in it. So far as the Bill was concerned, the Government considered themselves responsible for giving the House an opportunity of considering it, and they would, therefore, propose that the Speaker should leave the Chair in order that the House might go into Committee on the Bill. They would not however be able to make that proposal until the House had got through the Committee on the Intoxicating Liquor Licensing Bill. When the Committee on the Corrupt Practices Bill came on, the Government would be able to learn the views of the House with respect to the Amendments which it was proposed to make in it, and it would be for the House to judge when that stage was reached whether it was desirable to prosecute the Bill with the Amendments. The Government would not endeavour to impose their own will on the House in the matter; but they would endeavour to gather the opinion of the House, and would be guided by it. It was, he thought, quite possible that at that period of the Session the House might be doubtful as to the desirability of prolonging its labours for the purpose of going through the Amendments. They would not, however, prevent the House from making that sacrifice if it were so disposed. In reply to the second Question, he had to state that he hoped his hon. and learned Friend the Member for Taunton (Mr. James) would not require a great deal of assistance from the Government. The Bill stood for that evening, and he hoped progress would be made with it, for he should be sorry to see the Bill fall through.

IRELAND—MR. JUSTICE KEOGH.

QUESTION.

Lord CLAUD HAMILTON asked the First Lord of the Treasury, Whether the effigy of Mr. Justice Keogh was on a recent occasion carried in procession through certain streets in Derry, preceded by musicians playing a rebel tune; whether this effigy was not afterwards immersed in the Foyle without any opposition on the part of the Government or of the police force under their orders; whether speeches were not delivered during the said proceedings calculated to promote animosity between different classes of Her Majesty's subjects; and, whether at the time he stated that this effigy of the going Judge of assize had not been burnt in Derry he was aware that it had been ignominiously immersed in the Foyle?

The Marquess of HARTINGTON said, he would, with the permission of the House, answer the Question. From the information which had reached the Government from the resident magistrates of Londonderry and the constabulary, it appeared that no effigy had been burnt there. Information had been received by the constabulary to the effect that there was an intention to burn an effigy. They at once communicated with the Mayor, and such steps as were deemed necessary were taken to prevent the burning of the effigy. On the same occasion a procession left the town with a band playing a rebel air, but they dispersed very quietly. The report of the constabulary officers distinctly stated that it was untrue that the effigy had been burnt and immersed in the Foyle. Having given all the information in his possession to the noble Lord, he hoped he would allow him to ask from what sources he had derived his information, in order that he might make inquiries as to which information was correct.

Lord CLAUD HAMILTON: To-morrow I shall be glad to give the noble Marquess the source of my information.

Mr. MITCHELL HENRY: Will the Chief Secretary for Ireland be good enough to tell the House what are "rebel airs?"

FRANCE—DEPORTATION OF POLITICAL PRISONERS.—QUESTION.

Mr. DODSON asked the Under Secretary of State for Foreign Affairs, Whether his attention has been directed to the landing at Newhaven from the steamship "Marseilles," on the 30th of June, of seven foreigners, concerning whom it is stated that they were escorted on board the vessel at Dieppe by the French police; that their passage tickets were given to the mate by the police; that the police guarded the gangway until the vessel started; and that they themselves informed the French Consular agent at Newhaven that they were sent out of France by the police on account of their being engaged in the Commune War; and, whether he considers such proceedings consistent with the assurances given by M. Remusat to Lord Lyons in his letter dated 7th June, respecting the embarkation of Communists from France; and, if not, what steps Her Majesty's Government will take in the matter?

VISCOUNT ENFIELD, in reply, said, the only information which had been received at the Foreign Office on the subject was contained in a letter which his right hon. Friend had been good enough to forward to him that morning. All the documents connected with it in the possession of the Foreign Office would be sent that evening to Paris, and, through Lord Lyons, the attention of the French Government would be directed to them. Until the correctness of the facts was ascertained, he was unwilling to draw any conclusion from or make any assertion with respect to them.

CIVIL SERVICE CO-OPERATIVE ASSOCIATIONS.—QUESTION.

SIR THOMAS CHAMBERS asked Mr. Chancellor of the Exchequer, Whether the system of trading as carried on by servants of the Crown, under the designation of Civil Service Co-operative Associations, is not opposed to the rules of the Service; whether heads of departments are not in some instances salaried officers of the Co-operative Association; whether the servants of the Crown are not prohibited from engaging in trade or mercantile pursuits; and, whether the Government are willing that an inquiry should be instituted into the whole question of civil servants of the Crown and their connection with the Co-operative Trading Societies?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he must make a distinction between Civil Servants of the Crown combining together for the purpose of obtaining goods intended for their own use cheaper and other forms of co-operation. As to the former, he saw no objection whatsoever to such a mode of proceeding, nor did he believe he had the power to interfere with it in any way. The Question, however, suggested that there was another system of trading carried on by the Civil Servants which did not content itself simply with providing for the wants of the members, but sought, by means of co-operation, to make a considerable profit by buying goods and selling them at an increased rate to persons who were not in the Service. He was not aware that there was any rule of the Civil Service which was thereby infringed; but he, at the same time, felt bound to say, as he had said to a deputation some time ago, that if it lay in his power he should be glad to stop such a system. There was a Treasury Minute of the 27th of March, 1849, which bore upon the question, and which was to the following effect:—That as the public were entitled to the whole of the time of its Civil Servants, and as the officers held situations which required daily attendance, they should not be allowed to accept situations as directors of companies requiring their attendance elsewhere during office hours. The Minute went on to say, that their Lordships did not require officers already engaged in such concerns to abandon them at once, unless it should appear that their public duties would be thereby infringed upon, but that they would in future strictly restrain any officers from entering on such duties. That was the only record on the subject which he could find, and he was not, therefore, able to say that there was any rule of the service which would enable the Government to restrain Civil Servants from engaging in the operations to which the hon. and learned Gentleman appeared to take objection. In answer to the second Question, his reply must be that he had no means of obtaining information with respect to it. The Civil Servants, he might add, were absolutely prohibited from engaging in mercantile pursuits, if those pursuits took up any portion of the time which they owed the public. He had no doubt, further, that if a Civil Service Officer engaged in pursuits which would take away his time from the duties which he owed to the Crown, and thus those duties were not properly discharged, the Government would feel bound to call on him to elect between the two vocations. With regard to the last part of the Question, he had to say that he was not willing to enter into any inquiry, for the facts were patent enough, and must come under one or other of the two heads he had mentioned.

IRELAND—THE IRISH CONSTABULARY.

QUESTION.

MR. MAGUIRE asked the Chief Secretary for Ireland, If it be true, as publicly stated, that there are at present as many as one thousand vacancies in the Royal Irish Constabulary Force; and, should that statement be not entirely accurate, would he state to the House how many vacancies really exist, and also to what cause or causes the existence of these vacancies are to be attributed?

THE MARQUESS OF HARTINGTON, in reply, said, there had been and still were a considerable number of vacancies in the Force, but he was not prepared to state the exact figures. It was in contemplation to refer any complaints to a Royal Commission, which was about to be appointed.

MR. MAGUIRE: Would it be possible for the noble Marquess to state how many vacancies there were now in the Force?

THE MARQUESS OF HARTINGTON replied that if it were possible, it would not be advisable to state the fact thus publicly.

METROPOLIS — BERMONDSEY WATER SUPPLY.—QUESTION.

MR. KAY-SHUTTLEWORTH asked the President of the Board of Trade, Whether he has directed any further inquiry to be held in consequence of the complaints made to him from Bermondsey that, although there was a temporary improvement in the supply of Water after the former complaint and the inquiry to which it led—

> "The supply has been again gradually decreasing in some parts of the district, and persons have again been going from house to house begging Water?"

In addition to facts mentioned in the Question, he might state that he held in his hand an epitome of 26 letters, being some of the letters received by the Bermondsey Committee, dated from July 1 to July 5, 1872, and all describing a continued dearth of water. Several gave details of the sufferings of wife or children in consequence, and some of the writers mentioned that they had recourse to horse-troughs for water. One employed a man to fetch water from the Thames, and several mentioned that the drains were out of order and needed flushing, and that they were emitting frightful smells. ["Order, order!"]

MR. CHICHESTER FORTESCUE, in reply, said, that there were no legal means which he would not be most anxious to use to prevent the evils referred to, which had arisen from the very imperfect power of a particular company to secure a sufficient supply for the district in a time of emergency; whatever could be done would be done; but neither by law, nor from the nature of the case, could the Board of Trade apply an immediate remedy. The Water Examiner of the Board of Trade had communicated with the Vauxhall Company, and had recommended them to put up stand-pipes in the streets. The Company's engineer had acted on that suggestion, and several stand-pipes had been put up. If water should not be found in the stand-pipes, the blame could not be cast on the inhabitants of houses on account of defective fittings, but would entirely fall on the water company. On the 6th instant, the Water Examiner stated that there was generally a sufficient supply.

ELEMENTARY EDUCATION ACT—SECTION 33—SCHOOL BOARDS.

QUESTION.

MR. SERJEANT SIMON asked the Vice President of the Council of Education, Why, in the "case of disputes as to the election of school boards," they have hitherto declined to exercise the powers given to them by the thirty third section of the Elementary Education Act; and, whether the Education Department has laid down any and what rule in the matter?

MR. W. E. FORSTER, in reply, said, that the section referred to gave power to the Education Department to inquire into the matter; but they had not hitherto used the power, as they thought that they had not got the machinery which appeared to be necessary for satisfactorily trying these election disputes, and anyone having a right to complain might proceed by a writ of *quo warranto*. The Department would act in that way as a general rule, though they would exercise the power given them in some cases, in which, with the consent of all parties, it might be convenient to do so in order to prevent a resort to another tribunal.

WELSH COUNTY COURT CIRCUITS.

QUESTION.

MR. OSBORNE MORGAN asked Mr. Attorney General, Whether, considering the Resolution of the 11th March in favour of the appointment of Welsh-speaking Judges to Welsh County Court Circuits, the Government will take steps to comply with such Resolution by transferring the present Judge of the Mid Wales County Court to some other Circuit now vacant or hereafter to become vacant and appointing in his place a Judge possessing the qualifications required by that Resolution?

THE ATTORNEY GENERAL, in reply, said, that it was impossible for the Lord Chancellor to give any pledge on the subject of the qualifications of this or that Judge on the occasion of any given vacancy; and the question of the hon. Member could not be answered until a decision was come to as to the necessary number of County Court Judges. He was anxious to have it in his power to give information on the subject, the more especially as he was informed that this matter had caused greater agitation in Wales than any which had prevailed there since the days of Owen Glendower.

INTOXICATING LIQUOR LICENSING BILL—(*Lords*)—[BILL 198.]

(*Mr. Secretary Bruce.*)

SECOND READING.

Order for Second Reading read.

MR. BRUCE, in moving that the Bill be now read a second time, said, he was happy to think that, inasmuch as the Bill had been in the hands of Members for a considerable time, and as the question to which it referred had been the subject of much discussion both here and in the other House, it would not be necessary for him to detain the House by any lengthened statement; nor would it be necessary to enter into any justification of the Government for having introduced the measure. Salutary as had been the effect of recent legislation—for which he was happy to give credit to his hon. Friend the hon. Baronet opposite (Sir Henry Selwin-Ibbetson)—that legislation had always been accepted by the House as an instalment of a larger measure expected from the Government; and for many successive Sessions the Government had always announced a Licensing Bill as part of its programme. This Session had been peculiarly fertile in measures relating to that subject. With regard to the measure brought forward by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), he might say, without disrespect to him, that although his ability and good temper had never failed, that measure had made no progress in the House, and it would be agreed by all who heard the discussion on the second reading that it had received at the hands of the hon. Member for Derby (Mr. Plimsoll) a more deadly blow than it had ever before received in the history he gave of the working of a somewhat similar system in the United States. Besides that, they had two elaborately-prepared measures introduced, one by the hon. Member for West Essex (Sir Henry Selwin-Ibbetson), and the other by the hon. Member for Fifeshire (Sir Robert Anstruther); and while he acknowledged the great care which those hon. Gentleman had taken in the preparation of their Bills, he wished also to acknowledge, on the part of the Government, the very great courtesy with which they had consented to postpone the second reading of those Bills until the Government measure was brought forward. He thought he might venture, without presumption, to look forward, during the course of proceedings in Committee, if it should please the House to read this Bill a second time, to its treatment by those hon. Members in no captious spirit of rivalry, and that both would assist the Government in their attempt to deal with this very difficult and important question. The measure which he now recommended to the acceptance of the House was one of far smaller proportions than that which he introduced last year. In the first place, the Bill of last year was a consolidating measure. He was as much as ever convinced of the urgent necessity of consolidating the law. It was scattered over 40 or 50 Acts, and that fact alone rendered its administration very difficult. But he owed no apology to the House for not encumbering this measure with any attempt at consolidation. It was always a dangerous thing—and perhaps it should have been borne in mind last year—to attempt to combine any considerable amendment with consolidation. When the work of amendment had been completed consolidation was easy. Nor did this Bill deal with what was also a very proper matter —the re-consideration of the Excise duties. He ventured to hope that, at no remote period, his right hon. Friend the Chancellor of the Exchequer would find it in his power to deal with that subject, convinced as he was that its reconsideration was a matter of no small national importance. The Bill also differed from its predecessors in not supplying any special system of inspection. The machinery for inspection in the last Bill he ventured to think very efficient, and when this Bill was introduced in the other House a much more modest scheme of inspection was proposed, but one which, he thought, would have proved of much value. If the Bill had passed in that form he should have anticipated no material increase in the expense of maintaining the police force throughout the country, inasmuch as a large force of police was maintained in all our large towns and populous places exclusively for the purpose of meeting and suppressing those cases of disorder which arose from the late hours to which public-houses were kept open. That source of expense would have been greatly reduced; and all the Bill would have effected would have been to secure on the part of the magistrates, chief constables, and others, proper attention to the inspection of licensed houses by making the contribution of the Treasury to the cost of a police force depend on adequate provision being made for such inspection, as well as on the fulfilment of the conditions now required by law. But the present temper of the House and the country with respect to the most modest addition to rates for any purpose, however salutary, would not induce him, unless he received very decided encouragement, to undertake to restore those clauses. So much for those points in which the Bill differed from its predecessors; now as to what it had in common with the Bill of last year. Its chief objects were two—first of all, to improve the present licensing authority without departing very widely from the present system; the other was greatly to strengthen—and not only to strengthen, but to consolidate — what might be called the police regulations. With respect to the first object — improving the licensing authority — he might remind the House that there was a time when any person might open a public-house without a license from anybody; but under that system great disorders arose, and the power of granting licenses was in consequence given to the magistrates. In 1830 there was something like a return to the old system, when the Excise was enabled to grant licenses for the sale and consumption of beer on as well as off the premises. That, again, led to so many disorders that, by an unanimous vote, Parliament determined to return to the system under which the sole jurisdiction was vested in the magistrates. In the present Bill he had retained the magistrates as the sole licensing authority, and had endeavoured to improve their jurisdiction in the manner he would now explain. First of all, he took the natural division of the country into counties and boroughs. Excluding boroughs, he proposed that in all petty sessional divisions the licensing authority should remain as at present vested in the magistrates in brewster sessions. But there would be appointed annually by the justices in quarter sessions, a committee consisting of a number of justices not exceeding 12 nor less than 3, who would have power to give or withhold confirmation of the licenses granted in brewster sessions. This committee would not be enabled to grant licenses which had been refused by the licensing authority; but every license granted by the licensing authority in the various petty sessional districts would be subject to confirmation by it. The advantage of that proposal was that it enabled a selected number of magistrates, on whose independence as well as on whose intelligence reliance might be placed, to deal on something like an uniform system with the issuing of licenses throughout the petty sessional divisions. It was proposed to give the power of appeal from the decisions of the licensing authority exclusively to persons who had raised objections beforehand; and in order to prevent vexatious proceedings which might be instituted not by individuals, but by powerful societies, it was proposed that if the appellant did not succeed he should bear the costs of the appeal. In boroughs the case was different. The Bill proposed that where there was a separate commission of the peace, and there were 15 magistrates and upwards on the commission, they should form a committee of not more than nine nor less than three, to whom should be confided the duty of granting new licenses, and if an appeal against a grant by this body was made, it would be made to the whole body of the magistrates. In substance this plan had already been adopted with signal success in many places—including, he believed, Liverpool and Manchester—and in no instance had the general body of magistrates ever set aside the decision of their committee. The Bill, he was sorry to say, had come down to that House without providing for the case of those boroughs where there were fewer than 15 magistrates in the Commission of the Peace. He had Returns from 186 boroughs, of which only 56 had 15 magistrates; and there were, therefore, in that list 130 for which the Bill did not provide. The case was foreseen before the Bill went to the House of Lords; and, although it might be questioned whether the Government dealt with the matter in the best way, still they did have recourse to the Secretary of State, and it was provided that, where there was not a sufficient court of review, licenses should be subject to confirmation by the Secretary of State. During the past year he had endeavoured to perform honestly a duty of this kind which had been laid upon him by Parliament, and in several cases, acting on the information received, he had granted licenses which with fuller information he should have refused. This suggested an objection which would always lie against the confirmation of licenses by the Secretary of State; and the question arose what other form of security against the improper issue of licenses in these towns could be adopted, for they required some such security, perhaps, more than other towns, which possessed a more vigilant Press and more active public spirit. With regard to transfers, it was proposed that 14 days' notice must be given of an application, in order that the magistrates might receive any objections to the person to whom it was proposed to transfer the business. Upon the more important question of the renewal of licenses he had received very strong appeals from licensed victuallers, and he had yielded to the justice of their appeals. They stated that year after year they were constantly obliged to attend at great inconvenience, sometimes on more than one day, before the magistrates, in order to get a renewal of their licenses, though perhaps for many preceding years no complaint had been made against them; and they also complained that they were subject to be deprived of their licenses upon charges brought forward without any notice, and charges made, not upon oath, but upon the mere *ipse dixit* of a policeman, or some one else, as to events that might have passed nine and ten months before the day of the Brewster Sessions. It was proposed, therefore, that unless required by the justices the holders of licenses need not attend, and that at the Brewster Sessions no charge should be received against them unless notice of it had been given seven days before the commencement of the sessions, and also that the evidence should be given upon oath. Hitherto that had not been the case, for in Brewster Sessions the magistrates sat not as a court of law, but as an administrative body; yet appeals against the decisions of the magistrates in Brewster Sessions could be prosecuted only at Quarter Sessions, which was a court of law, in which, therefore, evidence must be given on oath. Inasmuch, however, as it would be very dangerous to deprive magistrates of the power they now possessed of dealing with licenses even where there had been no previous conviction, and inasmuch as between the date of the notice and the holding of the Brewster Sessions information might reach the magistrates rendering it necessary that they should require the attendance of the applicant, provision was made in the Bill to that effect. The present Bill did not directly furnish any means for reducing the number of public-houses; but, of course, in strengthening the police clauses indirect means were provided, by which the number of houses that were ill conducted would be reduced, and there was another method by which he trusted no inconsiderable number of the worst class of houses would be struck off. Under the Act of his hon. Friend (Sir Henry Selwin-Ibbetson) the magistrates were authorized to bring before them all the holders of licenses to inquire into their conduct, and to refuse the certificates of those they found to be of bad character or otherwise disqualified, and no inconsiderable number of licensed premises had been closed as not being of the proper rateable value. In one town in his neighbourhood, 35 of the worst conducted beerhouses were closed on that account, and more would have been closed if it had not been that the magistrates determined, in calculating the value of the house, to include the value of the license. Clearly that was not what the Legislature intended, and by this Bill he proposed that there should be a re-valuation of such houses, and that the value of the license should not be taken into account. As, however, it would be hard to deprive of their licenses persons who had conducted their houses properly, provision was made that if before the next Brewster Sessions they raised by enlargement the value of the premises to that prescribed by the Act of Parliament, they should not lose the license on the ground of deficient value. The next provision was one which he had no doubt would meet with general ayprobation, and that was for six-day licenses, the holder to pay six-sevenths of the ordinary license duty. Coming to the police regulations, which formed the more important part of the Bill, he had to state that no new offence was created by it. It was true that one offence—and, in his opinion, a very serious offence—which was provided for in the Metropolitan Police Act, was now for the first time proposed to be extended to the whole country, and that was the evasion of the law by taking drink from licensed premises for consumption in unlicensed premises. Objection had been taken to this provision; but it was a valuable one, and no complaint had been made that it had operated unjustly. This Bill might be said to divide convictions into three classes. The first were not to be recorded on the license nor to involve its forfeiture; and among these were selling spirits to children, selling by other than standard measure, illicit storing, harbouring constables, not closing premises when ordered in case of riot, and not publishing a conviction outside the house when ordered to do so. The second class, which involved the forfeiture of the license, included the selling of a liquor for which the house was not licensed —that was to say, selling wine or brandy where there was only a license for the sale of beer, the making of an internal communication between licensed premises and unlicensed premises used for public entertainment or refreshment, a second conviction for adulteration, and permitting the house to be used as a brothel. This last offence involved both forfeiture of the license and perpetual disqualification of the premises. Lastly, there were eight offences which were to be recorded on the license, and they were the selling of liquor for consumption on the premises when the license was only for the sale off the premises; evasion of the law as to consumption off the premises; keeping a disorderly house, permitting drunkenness, permitting gaming, adulteration, breach of regulations as to closing, and refusal to admit constables. It would be for the House to consider the character of these offences and the penalties which attached to them in Committee. Under the Bill it was proposed that whoever committed any of those offences should have his conviction recorded on his license, and after two convictions had been so recorded a conviction for a third offence of the same class would involve the forfeiture of the license. It was also proposed that in such a case the Justices might, if they thought proper, disqualify the house for receiving a license for a limited period. He was bound to say that this provision fell far short in severity of the clause in the Government Bill of last year, and he would frankly explain the reason. It was well known that a large number of these licensed houses were the property of brewers, and it necessarily followed that if the occupier of the premises were convicted and his offence recorded upon his license it would be in the power of his landlord, the brewer, to turn him out and put another man in his place. Thus, although any number of offences might be recorded as committed in that house, by a timely change of tenant, the license would always escape forfeiture. That was the evil against which the Government attempted to guard last year. On the other hand, it was represented as a very great hardship that where two convictions had been recorded upon a license the landlord would be in the power of his tenant, a single conviction of whom would forfeit the license. The Bill, as it came from the House of Lords, was in this respect much less severe than the measure of last year, and it would be for the House to consider whether any change for the better could be made in the clause as it now stood. One offence which was severely punished by the Bill was that of adulteration. For the first offence of this kind the penalty was £20 or a month's imprisonment, with or without hard labour; for the second and any subsequent offence a fine of £100, or three months' imprisonment, with or without hard labour; and in each of these cases a forfeiture of all the adulterated liquor with the vessels in which it was contained. The person so convicted would on the second and any subsequent offence be disqualified for not less than two and not more than 10 years, and the premises for not less than two and not more than five years. There was a popular impression that a very large proportion of the liquor consumed in this country was adulterated, not simply for the purpose of making a larger profit, but for stimulating the thirst of the consumer. He was far from saying that that belief might not be well founded; but he was also bound to add that having, with the assistance of the Chancellor of the Exchequer and the Commissioner of Police, tested much of the liquor sold in London, he had not found any justification for the charge so sweepingly and generally made. That adulteration was practised in the country was undoubted; it was an offence which when detected must be severely punished; and that should be done not only for the protection of the consumer, but also of the honest dealers themselves. The House would have observed that the Bill disqualified the premises when the holder of a license had been convicted of three offences in five years. Such a punishment would be very unjust unless given with the fullest notice to the owner. It was therefore provided that there should be a register of licenses, in which the name of the owner should be entered, and that whenever an offence was committed by the occupier due notice should be given to the owner. He came now to one of the most difficult, and, at the same time, most important, parts of the Bill—the question of the closing hours. There could be no doubt that in the opinion of the magistrates, and of all who were engaged in the preservation of order, the question of the closing hours was of the very highest importance. The testimony on all hands was as strong as testimony could be that every advancing hour of the night brought with it an increasing ratio of drunkenness. In Liverpool, Manchester, and Leeds something like from 43 to 45 per cent of the drunkenness occurred after 11 o'clock at night; and evidence to which he had just now referred was to this effect—that a very considerable portion of the police force might be dispensed with if the public-houses could be closed at an earlier hour. He had communicated with the stipendiary magistrates of the great towns and the chief constables as to the hours which, in their opinion, might with convenience be adopted hereafter, and with hardly an exception—he did not at that moment believe there was one—the hours fixed by the Bill had been accepted as satisfactory. At the same time, he could not deny that a considerable amount of dissatisfaction had been expressed with the hours proposed. The publicans whom he had the honour of seeing assured him that, as far as they were concerned, they were perfectly disinterested; that though they might lose something by the proposed change, yet the inconvenience of keeping open their houses at late hours was very great, and that it was a question for the public, and not for private persons to decide. They assured him, therefore, that he should have their assistance in fixing the hours. The question hitherto had been dealt with very cautiously and carefully, and he hoped they would proceed in the same manner. The first large alteration made was in closing public-houses at 12 o'clock on Saturday, and keeping them closed until half-past 12 on Sunday. That change was instantly accompanied by a very large decrease of drunkenness, and the consequence was, that on Sundays there was a far less amount of drunkenness than on any other day of the week. The next change of the law was carried by his right hon. Friend the Member for Morpeth (Sir George Grey), and by it public-houses in London and the neighbourhood were closed from 1 to 4 o'clock in the morning. That change was also accompanied by very great improvements. The subject was considered by the Select Committee to which reference was so often made. It was presided over by his right hon. Friend the Member for Wolverhampton (Mr. Villiers), and on it sat the Chancellor of the Exchequer, the right hon. Member for Morpeth, Mr. Ker Seymer, the right hon. Gentleman opposite (Sir John Pakington), and a number of other experienced Members of the House. They reported at great length on this question of hours, and came to the conclusion that the hour of 11 might be very safely accepted in large towns out of the metropolis, the hour of 10 for the small towns, and the hour of 12 in the metropolis. Another precedent which he consulted was that of Scotland. There for a good number of years the law had been that public-houses should be closed at 11; but the magistrates had the power of further reducing the hours to 9 o'clock; so that the public-houses in Scotland might be closed at any time between 9 and 11. In the large towns the magistrates had declined to exercise any discretion, and in Dundee, Aberdeen, and Edinburgh he had never heard that any dissatisfaction had arisen at the hour of 11. It had, indeed, been stated by men whom he believed to be true representatives of a portion of the working classes, and to whom he listened with great respect and sympathy, that if public-houses were to be closed at 11 o'clock it would greatly interfere with many of their customs and habits. They stated that after the hours of labour it was usual for them to meet in public-houses—the only places really available—for the purpose of managing the affairs of their friendly and trade societies; that these affairs required considerable discussion, and frequently lasted over 11 o'clock. They objected to have the present arrangements, which worked very conveniently for them, interfered with, and their opinion carried some weight. But the great difficulty of the question of closing public-houses arose from the fact of the varying habits and practice of the different neighbourhoods. In Scotland, however, the hour for closing had been fixed at 11 o'clock, and the public in that country had not been in the least inconvenienced by such an arrangement; but no one, he thought, would think of closing public-houses at 11 o'clock in London. Although, in his opinion, 11 would be the best hour if it were fixed by Act of Parliament, yet the House might come to the conclusion that a somewhat more elastic system might be adopted, both as regarded the opening of public-houses in the morning and the closing of them at night. While the Government were most anxious that some reduction should be made in the hours of closing, they were willing to abide by the decision of the House on that point. If proper means were taken to ascertain what the customs of the people in our large towns required, it would be possible to introduce such a change without practical inconvenience. Indeed, if the same spirit prevailed as at Liverpool, the change might be introduced without any hesitation. He had received from Liverpool a deputation, which, he believed, spoke in the name of the whole population, and which called upon the Government to make a considerable reduction in the hours, suggesting that the hour of 10 at night would best satisfy the working classes, and that the public-houses should be opened at 7 o'clock in the morning, instead of 6. On the other hand, it had been represented to the Government that while in many places the hour of 7 would be early enough for the opening of public-houses, yet in many other places such a rule would be productive of great inconvenience. There were some classes of our population who laboured throughout the whole of the night, and who were accustomed to obtain refreshment at public-houses at a very early hour in the morning. Therefore, he thought some power ought to be given to the local authorities to vary the hours of opening. The holders of grocers' licenses at the present time were obliged to obtain a certificate from the magistrate before they could sell spirits and wine. The Bill proposed, however, to do away with this provision. No complaints of disorder had been made in reference to these grocers' licenses, although it was alleged that women sometimes bought spirits at grocers' shops and drank at home what they had bought, who would be deterred from purchasing spirits at public-houses. Such cases might possibly occur; but he did not see how they could be prevented by the licenses being given by the magistrates, instead of by the Excise. On the other hand, the Government considered it right and just that the provisions of the Bill with regard to closing hours and adulteration should be applied to grocers' licenses. The complaint frequently urged by the occupiers of public-houses was, that if while their establishments were closed the grocers might sell spirits they would be subjected to an unfair competition. The present measure was confined to England; but it was proposed to extend its provisions to Ireland as far as was practicable. All the provisions relating to public-houses would be made applicable to Ireland, except those having reference to the magistrates' certificates; for he believed the existing system gave general satisfaction in Ireland. His noble Friend the Chief Secretary for Ireland would be prepared, when the Bill got into Committee, to put Amendments on the Paper which would adapt the most useful provisions of the Bill to the state of things which prevailed in Ireland. That was a Bill eminently of details, and one which could much better be discussed and explained in Committee than on its second reading. He earnestly hoped to obtain the assistance of hon. Members on both sides of the House. While they considered the wants of the whole population, they ought not to forget the demand which was made by the best of the working classes for an alteration of the existing law. It might be that that demand was sometimes put forward in an exaggerated form; but this very exaggeration was a proof of the mischief which, in their opinion, the present system inflicted upon society. He felt satisfied he should receive a cordial support from the House, and that no party views or considerations would be allowed to enter into their treatment of this question; but that it would be dealt with in a spirit of temperance and sobriety, and with total abstinence from anything like party objects or party views.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Bruce.*)

SIR HENRY SELWIN-IBBETSON said, that although he felt a little jealous of the present Bill because it had destroyed his own which aimed at the same result, yet, on the whole, he hailed the Bill of the Government with the greatest satisfaction. He was sure his right hon. Friend had no need to thank hon. Members for postponing their measures in favour of his; because it was only right upon questions of great importance that private Members should wait and see what the Government intended to do before they pressed their own. He believed that the irregularity of hours was, as regarded the opening and shutting of houses, as injurious as the length of them. Men turned out from an early closing house and went to one that kept open later. The consequence was that the keeper of the last house did not know the state they were in, and served them with more drink. They then got intoxicated, got into the hands of the police, and the man's license was endangered. If the hours of closing were made the same in every district, it would, in a great measure, prevent intoxication. One of the great complaints against the existing law had been caused by the difference with which it acted on different branches of the trade, and another complaint was that there were so many Acts on the subject that it was almost impossible, even for a lawyer, to interpret the law as it stood. Complaints also arose from the inequality in magisterial decisions, which were caused by the permissive nature of most of the laws, and that inequality of decision had been productive of the greatest evil. Another point of complaint was as to the general prevalence of adulteration. There was no doubt that salt and sugar were used for adulteration in order to increase thirst, and it was therefore desirable to fix a limit of strength beyond which such adulteration should not take place. Some rules should be laid down for the guidance of magistrates in granting licenses. In the first place, the law should be simplified, as the right hon. Gentleman the Home Secretary had himself suggested last year. To secure limitation of the number of houses, he preferred a cumulative penalty to the record of convictions proposed in the Bill. There seemed to be some injustice in recording convictions which might be for very small amounts in the same way that they recorded heavy offences; yet under the Bill it was quite possible that three such small penalties might operate against the license, though the offences would bear no just proportion to the punishment. Another matter which should form part of the rules for the guidance of magistrates was a minimum penalty, and he had the testimony of chief constables throughout the country that the rule already adopted on this point had been beneficial, and that it would be highly injurious to return to the old system. The Chief Constable of Stafford, who had been mentioned by the right hon. Gentleman, said that if the Government Bill passed they would soon go back to the 5*s.* and 2*s.* 6*d.* fines, which were the delight of the publican and the despair of the police. As to the shortening of hours, while admitting that the police reports showed that closing at 11 o'clock would be highly beneficial, he could not help feeling that there was another side to the question, and that you had to consider how any sudden action of this kind would really be felt by the public at large. An attempt of the same nature was made in 1864; but the public immediately rose against the Act, which had to be repealed. When public feeling was strong, you lost ground by attempting to go too quickly; it was best to accustom the public by degrees to the benefits resulting from any change. He suggested, therefore, whether the right hon. Gentleman might not make a difference in large towns, where late hours were far more usual than in the country. If the right hon. Gentleman would extend the London hours to some of the largest towns, public requirements would probably be satisfied, the cause of good order would gain, and, at the same time, there would be no reaction. With respect to the adulteration clauses, he believed the Government had not foreseen the injustice which they might inflict upon the proprietors of public-houses from which liquor was taken to be analyzed, and he should suggest, with a view of satisfying the minds of the publicans, that a sample of it, under seal, should be left with them. The Bill proposed to increase penalties; but he thought it did not increase them sufficiently for habitual drunkards, and he should propose an Amendment to the effect that drunkards convicted thrice in one year should be treated as incorrigible rogues. Sir William Bodkin and Captain Torrens agreed in thinking that habitual drunkards should be dealt with under the Rogues and Vagabonds Act, and many other authorities were of the same opinion. By this Bill it was proposed to establish a Committee of Quarter Sessions to act as licensing authority and to deal with grants of licenses; but the provisions did not apply to the smaller boroughs, although it was principally from such places that complaints had been made. He thought the scheme of a Licensing Committee might be carried much farther, and the grants of licenses in boroughs should be referred to the Committee for revision, and, in fact, that all appeals might be made to that body instead of to the General Quarter Sessions. With regard to the Government scheme as to boroughs where there were 15 magistrates, he had an objection to make. According to the proposal in the Bill, there would be two separate Courts sitting at the same time, in the same room, a Committee of the bench deciding on new licenses, and the whole bench hearing applications for renewals. The Committee would afterwards refer its decisions as to new licenses to the whole body of magistrates for confirmation, and practically, he believed, the confirmation would never be withheld. For that reason he considered it would be better that the appeal should be made to the Committee of Quarter Sessions, and he had placed an Amendment to that effect upon the Paper. He was sorry that the Government had left an opening for the evasion of the law by omitting the provision contained in the Bill of 1869 which compelled the owner of different licenses to close his house at the earliest hour named in any one of the licenses; and he also regretted that the present Bill, unlike the Suspensory Act of last year, laid down no rule limiting the number of public-houses to the amount of the population of a district. Then there was the question of grocers' licenses. There were very few cases throughout the country in which the police constable had direct evidence at all implicating the grocers. The grocers were a highly respectable body of traders, and the number of cases in which penalties were inflicted was few. But he wished to refer to some of the evidence relating to the effect which this change in the law would have on future grocers' licenses. The Chief Constable of Stafford said he had consulted with his superintendents, and though no great evil arose at present from these licenses, yet as soon as the public-houses closed at a comparatively early hour there was a danger of a very inferior class of traders watching their opportunity and coming in for licenses, who might be the means of neutralizing any good effect which the early closing might have had. It was argued strongly that when a certain number of public-houses were shut up a very large number of grocers would spring into the gap, and that the temptation to the grocer to evade the law would come in. The fear was, that if they let in a class of grocers free from police inspection, Parliament would be giving to them power to hold out temptation which might prove beneficial to them, but which would be prejudicial to the object which this legislation had in view. The Chief Constable of Salford stated that men's wives went to the grocer's ostensibly for groceries; they were first given a glass of spirits by way of securing their custom, and they were then told that they might have any drink they liked, and that it would be charged in the bill as groceries. The Chief Constables of Blackburn and Preston gave similar testimony. Dr. Letheby, whose authority was very great, in deprecating the extension of the existing facilities for the sale of spirituous liquors by grocers, stated that it was matter of common observation among medical men that a safeguard against the evils of alcoholic drink was to be found in its sale at a tavern, where respectable people did not like to be seen going for drink; and Dr. Little, senior consulting physician of the London Hospital, said that drunkenness had been promoted by such facilities among married women, and referred to a case in which a lady had recently availed herself of them to obtain spirits in excess. There was a small town in the neighbourhood of Ipswich, with a purely agricultural population, where, he was informed, at one grocer's shop it was no unusual thing to sell 100 bottles of gin to women who came to purchase their week's groceries. That was a proof that unless they adopted a uniform licensing system some loophole would be created by which parties would contrive to evade all the restrictions of this Bill. He did not say that respectable tradesmen would be found purposely to infringe the law; but he feared a number of men, seeing their opportunity, would take out these licenses to enable them by these means to get rid of the provisions of the Bill. There were also a number of points on which he anticipated there would be difficulty in the working of the measure from the only partial repeal of the present Acts. These prescribed smaller money penalties and shorter terms of imprisonment than were contained in this Bill; and as it gave over the penalties to the treasurer of the county, from which the police now derived between £800 and £900 a-year, which went to their superannuation fund, they would continue to lay their informations under the 18th section of the old Act, by which their share in the penalties would be retained. That was a blot in the Bill. He thought also that confusion was likely to result from the inequality of the hours at which places of refreshment were to be open to the public. He directed attention to the question specially, because there were refreshment houses where liquors were not sold, but which carried on a trade of this sort: a stranger entered a refreshment house, and in answer to inquiries was told that the proprietor could not sell liquor, but that he could procure it for the applicant from a neighbouring public-house. He thought that such an arrangement was calculated to lead to infringement of the law. It amounted to this—that at the refreshment shop the proprietor might allow consumption, though he could not sell. He had to apologise for having trespassed at such length upon the House. He had nothing to justify him but the interest he took in the subject and the sincere wish he entertained that a Bill should be passed this year, and that it should be a practicable, working measure, so that the question might be got rid of. There was nothing he dreaded so much as that a question of this sort should be made a subject of political agitation at an election; and he hoped the right hon. Gentleman, therefore, would accept certain Amendments which would be proposed in Committee, with the view of avoiding opposition, and making the Bill a practicable measure.

SIR WILFRID LAWSON: Sir, I have listened with great interest to the speech of the hon. Baronet who has just sat down (Sir Henry Selwin-Ibbetson). His speech interested me, especially in the remarks he made about the grocers. I have long been of opinion that the public-houses and beershops are the greatest nuisance from which we suffer in this country. My hon. Friend pointed out the grocers as being almost as bad. Most of us have seen the interesting correspondence which has been carried on in the newspapers between the representative of the public-houses and the representative of the grocers. The public-house representative said to the grocer —"You make all the women drunk," and the grocer replied—"And you make all the men drunk." One said—"You make all the people drunk in the streets," and the other retaliated by saying—"You make all the people drunk at home." I hope the right hon. Gentleman intends to be impartial. I am sure the Home Secretary must be gratified that as yet there has been no symptom of opposition to the second reading of this measure. It would, indeed, have been strange if there had been, for it is quite clear that some measure of this character is absolutely forced on any Government that sits on these benches. We have had Committees of the House of Commons appointed from time to time to report on the evils of the system; but no Government has yet been strong enough to attack the traders in strong drink, and bring in a comprehensive measure, until the right hon. Gentleman attempted to deal with the question. This Bill will, I trust, meet with better success than that of last year. But this pressure upon the Government does not come alone from temperance men, and has not been urged on the Government by temperance societies alone. The right hon. Gentleman, when introducing his measure last year, told us that he had been urged to bring on the question by magistrates, town councils, boards of guardians, judges, ministers of religion, and by all those who take an interest in the welfare of our criminal population, and all who take an interest in the working classes. I must here quote some words which were used in reference to this matter in *The Times* of May 2, 1871. They are as follows:—

> "The efforts of every teacher and preacher are directed towards keeping people away from the public-house. Every man labouring in his sphere for the good of the country does his best to promote those very objects which it has now been proposed to accomplish more speedily by direct legislation. The fixed purpose of every minister of the Gospel, every active philanthropist, and every working man's friend, is to reduce the profits of the liquor traffic, to depreciate the property invested in it, and generally to produce the very consequences predicted from Mr. Bruce's Bill. . . . . There is a standing conspiracy of all the friends of progress against the prodigious and productive investments now declared to be in peril. . . . . To put the case in half-a-dozen words, the profits in which the liquor sellers now claim a vested interest are realised to a vast extent at the cost of popular degradation, vice, and misery; and the question is, simply, whether the Legislature of a country is not justified in placing, with due consideration, the welfare of a people above the gains of a trade."

Sir Wilfrid Lawson

Now, all schemes which are produced in this House for altering the licensing law tend to produce a diminution in the trade or a reduction in the consumption of drink. Unless they did that, they would not be better than the paper they were written on. But until you turn the licensing system from a curse into a blessing, give the people the power themselves to remove the curse. Sir, no one, I suppose, will deny that the present system has been a failure. The fact of this Bill being brought in, the very fact of all these measures of different hon. Members being brought in, is proof that the system is a failure. It will not do for anyone to say that the system has not had a fair trial, for it has been tried in every shape. We have tried magistrates' licenses and Excise licenses, and both have failed. The House will remember what took place in 1830. We had no beerhouses then; but the Beer Act was passed intending to provide free trade in beer, and to supply the people with good and wholesome beer. But the result of that Act was a perfect curse to the country. I remember Sir Sydney Smith's account of that Act—

> "The Beer Act is beginning to work—everyone who is not singing is sprawling—the sovereign people is in a beastly state."

That was the effect of the Act more or less; but another attempt to improve the system was made by the Prime Minister in 1860, who, you will remember, introduced the Wine License Act. It was brought in with the best intention, and as a supplement to our Treaty with France. The Prime Minister said he would not base free trade in wine on mercenary or political considerations—not on any party or financial considerations, but on moral and social grounds. It was an attempt to promote sobriety by Act of Parliament. I remember at the time those of us who took the temperance line opposed it, and also the publicans. As one of the newspapers said, the Government had to fight against a combination of knaves and fools—I, of course, being one of the latter. Well, but the Prime Minister succeeded in beating the combination; but I am quite sure that he will himself admit that the measure had no appreciable effect in diminishing drunkenness. It has been said, by persons who have looked into this measure, to be a source of temptation and of evil to many. It certainly had not the effect which its promoters hoped it would have. It was said the working classes would not drink spirits if they had cheap and wholesome light wines; but I do not suppose that light wines are regarded much more by either the working classes or the middle classes than they were in these days; and yet we were told at the time that the scheme of the right hon. Gentleman was an excellent measure for the reduction of the amount of drunkenness. Then, again, a very good measure was brought in by the hon. Baronet the Member for Essex (Sir Henry Selwin-Ibbetson), a year or two ago, which placed the beershops under the same control as the public-houses; but we are no better than we then were, because I find in the Report of the Committee—the Habitual Drunkards Committee—that drunkenness is on the increase, owing to the high rate of wages, and the increased amount of leisure which people have at the present time. So that now we are back again as regards the law on this question to where we were in 1830. The other day when the hon. Member for Manchester (Mr. Birley) brought forward his Bill for Sunday Closing an hon. Member got up in the House and twitted him that the Act of the right hon. Gentleman the Member for Lancashire (Colonel Wilson Patten), in force for a few months several years since, had been a failure. I never heard a greater mistake, for if the hon. Member would look to the records of the time he will find that the right hon. Gentleman's measure was productive of the greatest good. It was only by a manœuvre of the House that the Bill was repealed. Then, again, with reference to Forbes Mackenzie's Act, hon. Members got up in this House and complained of it; but you will not find a single Scotch Member in the House who will complain of it. It is only English Members who get up and pronounce it a failure. We have also had another Bill which has passed since I have been a Member of this House—namely, the Bill of the right hon. Baronet the Member for Morpeth (Sir George Grey). That Bill is permissive in its character, as it gives the power to the magistrates to shut up drinking places from 1 to 4 in the morning. That Bill has been very extensively adopted throughout the country. First one town adopted it and then another, until there are at present a very large number of places where it is in operation. I succeeded in getting a clause inserted into that Bill extending the power to close public-houses to Boards of Commissioners who rule over small towns which are not incorporated. Town after town, I repeat, adopted that Bill, and I may say that wherever it has been adopted it has, I believe, given universal satisfaction. The principle of our present licensing system, as far as I can understand it, is that the licensed victuallers—the persons who hold the licenses—are appointed by this House, through the magistrates, as guardians of the public peace, public order, and public morality. The Legislature says—"This is a dangerous trade, because if it is allowed to be free and open it introduces intolerable evils to the community. Let us, then, intrust it to men in whom we have confidence, and their duties shall be to see that their customers get enough to drink and not too much." That is really and solely the duty to which licensed victuallers are appointed; and I must say that, in my opinion, they have not succeeded, since their customers do, in spite of their position, drink more than is good for them and for the public. I know the hon. Member for Derby (Mr. M. T. Bass) says they do not drink enough; but that is an individual opinion, and our workhouses, our gaols, and our asylums show that there is a vast deal too much liquor consumed. But we cannot find fault with the publicans under our system. They are licensed by the magistrates, and if I was compelled to introduce a Licensing Bill I do not know where I could find a body better able to grant licenses than the magistrates are. There may be a better body; but I must say I do not know of it. The licensed victuallers generally, too, are not to be run down—they are said to be, by those who know them best, most respectable men, and I do not wish to say a word against them. But excellent and good as they are, and carefully as they are appointed by the magistrates, they have, I hold, totally failed to keep the drink traffic within proper limits. Once more, therefore, Parliament must come to our aid. This Bill I look upon as a kind of code and by-law to assist the licensed victuallers in judging what they are to do, and how does it propose to do that? The

Bill divides itself into five heads—it relates to the time at which the houses are to be opened and closed; it imposes heavy penalties upon those who permit drunkenness or harbour drunkards in their houses; it provides for a closer inspection—though I believe that is to be taken out of the Bill—it provides strictly against adulteration, and it deals with the licensing authority. I consider that the shortening of the hours during which the houses shall remain open is by far the most important part of the measure—I should say that it is the jewel of the Bill; and if we lose that we lose very nearly everything that is worth having —I will hardly say that; but, at any rate, we shall lose the best part of the Bill. To-day at the opening of the House a monster Petition was presented that the hours may not be shortened, and this Petition was signed by 90,000 persons. It came from Manchester; but who presented it? Not either of my hon. Friends the Members for Manchester; not the Members for Salford—strangely, although their interest is closely allied with that of Manchester. Some of these hon. Members would have undoubtedly been called upon to present it; but public political opinion is in favour of the shortening of the hours, and the Petitioners were therefore unable to intrust the Petition to them, and they had to go to the hon. and learned Member for Dewsbury (Mr. Serjeant Simon). In order to show what the public feeling is with reference to this subject, I would point to the meeting held a short time since, which was presided over by the hon. and learned Member for Shrewsbury (Mr. Straight). Although that meeting was held at 4 o'clock in the afternoon, when it might be assumed working men could not attend, and in a comparatively small room, which would only hold a few hundred people; although a comic actor had been engaged to make a speech, and although the Constitutional Association sent out a circular which I will read to the House, they did not make much of it. No one will say it was a representation of public opinion, though it was aided by Mr. Buckstone, of the Haymarket Theatre. The following is the circular to which I have alluded:—

> "London and Westminster Working Men's Constitutional Association.—Special and important.—June 29, 1872.—Dear Sir,—A meeting will be held at St. James's Hall on Monday next, 'to protest against the proposed reduction of the hours which public-houses are to be allowed to keep open.' Douglas Straight, Esq., M.P., will preside, and Mr. J. B. Buckstone, of the Haymarket Theatre, and others will be present. Should the objects of the meeting meet with your approval, your attendance and that of your friends will oblige, &c."

Now, it is said that these houses must be kept open until late hours at night in order that people should be able to do their business. In these days of Trades Unions we are told that it is important they should remain open in order that their business may be carried on. But, if I am not mistaken, Trades Unions and Friendly Societies, in this respect, stand upon about an equal footing. Mr. Tidd Pratt, Registrar of Friendly Societies, said that one of the greatest curses which existed was that these societies—and the remark will apply to Trades Unions also—should meet in public-houses at all. Now I want to know why there is this continual movement against my right hon. Friend the Home Secretary in his endeavour to shorten the hours? In a day when the great outcry among us is for shorter hours of labour, I should like to know why the liquor trade should be excluded, and what are the objections to a reduction of the hours of those engaged in it? Surely the hours which are laid down by the Bill are enough for any purpose. The Bill still allows the houses in London to keep open for 115 hours per week; in the large provincial towns 108 per week, and the smaller towns for 101 hours per week, and they say that is not enough. I see my hon. Friend the Member for Sheffield (Mr. Mundella) before me. He has a Bill before the House asking that men shall not work more than 54 hours per week. [Mr. MUNDELLA: Women and children.] Well, I thank my hon. Friend for the correction, because it makes it all the better for my case. In these public-houses plenty of women work very hard, and these working men, as they call themselves, who are calling out for shorter hours for their own labour, say that 115 hours per week for the wretched people who serve behind a bar is not too much. Now, what number of people will be made to suffer in this way? If the hon. Member for Derby had been here—and he generally is if there is a Licensing Bill to be discussed—I would have told him that he might do much good by agitating for a reduction of the hours of those who are engaged in this trade as he has done by leading an agitation for shorter hours among another class. The hon. Member for Derby says in a pamphlet, which he has got some one to write, that 600,000 persons are employed in these houses. Surely he ought to have been here to have urged shorter hours in their behalf. As I have said before, this question of closing hours is "the" Bill so far as the people of this country are concerned; and I heard the right hon. Gentleman talk of making it in this respect elastic —I hope he will stretch it out the right way, and make the hours even shorter and not longer. He proposes to give local bodies some control, and I will back him up in that, because that is the Permissive Bill again, only it is not so liberal as my Bill. [*Laughter.*] I say liberal, because it permits the magistrates to settle the question, while mine transfers the power to the people. What I say to the right hon. Gentleman is this—let him stick to the hours he has laid down in this Bill, and if he does so we will stick to him and will carry the Bill through the House; but if he wavers in this course we will throw him over, and will never believe in him again. Now, I come to the question of penalties. The right hon. Gentleman will remember that the law is this at present—that a man shall not wilfully or knowingly permit drunkenness or other disorderly conduct in his house or upon his premises, so that if a man gets drunk in a public-house he is to be turned out by the police, and the public have to look after him. That really is how the law has worked; and although heavy penalties may be thought to have a good effect I am not, as a rule, in favour of them. The endorsement of licenses on conviction of the holders, however, seems to me to be an excellent thing. I think it must be good, because it is so much opposed by the publicans; but it will not do to leave any option with the magistrates in this matter. The right hon. Member for Morpeth (Sir George Grey) pointed out some years since that if a beershop keeper is convicted three times he may be prohibited from selling beer for a period of two years. In the metropolitan district, however, there were no less than 44 convictions in 1862, and 15 in 1863; but in no case was the license withdrawn and the house closed. The magistrates had this power vested in their hands, but they never put it in force; and therefore I urge on my right hon. Friend to make that part of his Bill imperative. Then as to the punishment for the drunkard—I do not want to say much about that. My doctrine is that "prevention is better than cure," and that heavy penalties will never stop drunkenness. If a man is determined to ruin his constitution, blast the hopes of his family, and go down to destruction, a fine of 5*s.* or 10*s.* will not matter much. I think there is more nonsense talked about adulteration than upon any other subject brought before the House. Public speakers and writers in the public Press utter dismal cries about adulteration; but I ask, where are their proofs? The Government analysts report that there is no extensive adulteration as to deleterious substances. There is no doubt but that salt and water are mixed with liquor; salt may make it a little nastier; but water will certainly make it more wholesome. I have one suggestion to make to the right hon. Gentleman the Home Secretary, and that is, that if he would only add one word to his Bill he would make it the most beneficial measure that was ever passed into law. The list of articles the use of which is prohibited in the manufacture of liquor includes laudanum, alum, &c.; but if the right hon. Gentleman were to add the word "alcohol," his Bill would be positively perfect. If brewers put all the stuff indicated in this list into their drink, it is the most damning proof that can be adduced against the pernicious system of the liquor traffic. *The Times* says truly it is all very well to stop adulteration; but if you make drink so good people will only take more of it. There is a good deal of truth in that statement. Then, Sir, this Bill is called a Licensing Bill; but it has really nothing whatever to do with licensing. It is the play of *Hamlet,* with the character of Hamlet omitted. On the Home Secretary's own admission, it does not contain any direct scheme for reducing the number of houses; and I am rather suspicious whether it will not offer facilities for their increase. Anything having that tendency in the clauses will receive my strenuous opposition when the Bill is in Committee. I am truly sorry that the Home Secretary has not done more in this matter than he has, for what the people want is a reduction of the houses at present existing. It is useless to talk about new houses and how to check them. We are suffering already from the existing houses, and the demand is that the people who suffer from them shall have some control over them. The Home Secretary, in a speech which he made in April last, said—

> "Over and above the fact that the ratepayers were the persons chiefly interested; that it was their comfort and convenience and not that of other people that should be consulted; that they were the persons who bore nearly all the burden of the crime and misery produced by the multiplication of those houses and by their disorderly conduct — over and above those considerations there was another, and in his view a most important one—namely, the advantage of enlisting the minds and hearts and feelings of the people in the thorough consideration of that subject. Let them give the ratepayers a voice in that matter; let them give them the power in some way or other of deciding how far those houses should exist amongst them; and they would at once create a strong public opinion—they would encourage among them that sort of feeling which among the upper classes of society had long made drunkenness disgraceful, which was rapidly also making it disgraceful among the working classes themselves, and which no longer permitted them to call a mere sot a good fellow, or to look on the offence of drunkenness as merely venial. He was satisfied, therefore, that if they were to create a wholesome and vigorous public opinion on that subject, they must give the ratepayers of the country some direct interest over it, and that the more widely that control could, without injustice, be extended, the greater would be the social advantage."—[3 *Hansard*, ccv. 1074-5.]

There is a Bill before this House now carrying out this view of the right hon. Gentleman—it is called the Permissive Bill. There is another Bill embodying somewhat the same principle, introduced by the hon. Baronet below me (Sir Robert Anstruther). But, although the Home Secretary has pronounced the view I have alluded to, he now says that my Bill contains a principle abhorrent to all sense of justice.

Mr. BRUCE was understood to state that when he said that, he referred to the question of compensation.

Sir WILFRID LAWSON: That is another matter; but what I do say is that not having introduced the popular control principle in his Bill, the right hon. Gentleman is bound to explain how it is that such a change has come over the spirit of his dream. That the ratepayers should have some control in the granting of licenses, is what the working classes demand in connection with any licensing scheme. The working classes as with one voice have made this demand. The right hon. Gentleman seems to labour under the idea that my Bill is now under a cloud; but it is nothing of the sort; its prospects were never brighter. It is thought by some that my Bill has been effectually got rid of, because of the experience of an hon. Gentleman (Mr. Plimsoll), who has acquired his experience by going to America and breaking the law; but nothing can be more fallacious. In the first place, there is no law exactly like that embodied in the Permissive Bill in any part of America. In the next place, if an American chooses to come over on purpose to see whether he cannot break a given law in England, no doubt he will succeed. Now, Sir, what I do want is that the right hon. Gentleman shall incorporate in his Bill some such clause as I have ventured to put upon the Paper, and which shall give the people the power they ask for. Let him do that in his Bill for England. It will not, of course, interfere with my Bill, which applies to Ireland and Scotland as well. He must not think for a moment that this Bill will get rid of the Permissive Bill agitation. I will read to him some good advice which was given the other day by the Earl of Kimberley. In replying to a deputation that waited upon him in favour of prohibiting the sale of intoxicating liquor on Sundays, the noble Earl, after quoting, as is now very much the fashion, the remarkable language used by the Bishop of Peterborough, that he would prefer England free to England sober, said—

> "He did not attach much importance to mere figures in Petitions, as that did not afford an index to public feeling; and last year he warned Mr. Bruce that when it came to the point the Temperance party would be found to be by far the weakest, and if he wished to succeed he must have the support of the other side."

So it seemed that one Cabinet Minister had advised another Cabinet Minister to throw himself into the arms of the publicans. But then came this good advice to the advocates of the Permissive Bill—

> "After all the true test was to be found in the character of the representatives returned to Parliament, and he advised them to turn their attention in that direction if they wished any Government to further their views."

We are going to adopt the advice, and make the character of the representatives returned to Parliament the true test. We do it, of course, under the advice of a Cabinet Minister. I suppose the objects of Government in this Bill are three-fold. First, they wished to curtail the traffic in drink, and in this they may succeed to some small extent. Secondly, they wish to appease the publicans, and in that they will utterly fail. Let the right hon. Gentleman hear what publicans say of him. Out of one paper sent round this morning, I cull these remarks—

> "This Bill strikes at the interests of the licensed victuallers in every direction. It will constitute an enactment of great severity, more worthy of despotic Russia than free England."

Then I suppose the third idea of the Government is that they hope to settle the question; but never was there a greater delusion. With £100,000,000 spent every year in drink, and 1,000,000 paupers depending upon the ratepayers for maintenance, and a conspiracy by all good men to check the liquor traffic, who can believe that the cutting off of a few hours every day from the publicans' hours, and providing the suffering victims of drink with a little better liquor to consume, will stop the agitation that prevails against this gigantic evil? This question is one that can only be settled on grounds of justice. It is because I believe that this Bill, if it is passed into law, will diminish the trade of a ruinous monopoly, and give us a better foot-hold for our future attack, that I shall give my vote in support of the Motion for the second reading.

MR. RATHBONE said, that the Government having discovered how impossible it was in the present conflicting state of public opinion on the question to carry a large and comprehensive measure on it, had brought forward this limited Bill, which practically dealt only with hours and police regulations, and would leave the licensed victuallers in full possession of their monopoly. The only reason that could induce the community to support the Bill, even as a temporary settlement, would be the conviction that it would bring about some improvement in public morals and public order. The people would require to see clearly that this end was at least attained before they could be induced to continue the licensed victuallers in the enjoyment of their exceptional privileges. Indeed, it was, in his opinion, for the interest of the licensed victuallers themselves that the Bill should be an honest Bill with respect to all the points with which it professed to deal. With regard to the hours of closing, he would not say anything after what had fallen from the right hon. Gentleman the Secretary of State for the Home Department, beyond observing that it seemed to him to be a most extraordinary argument that public-houses should be kept open in order to enable trade societies to meet there after 11 o'clock at night. In Liverpool most of the trade societies had established a trade hall, in order that such societies might be taken out of the public-house; and that was an example which, in his opinion, deserved to be encouraged. As to the police provision, there was, no doubt, much in the Bill that was very well considered; but in one respect it seemed to him that it would, unintentionally, not only be inefficient, but unjust, and that one of its most important provisions would only reach the less wealthy and the humbler members of the trade. He referred to the endorsement of convictions and penalties on the license. In the Bill as it stood convictions were directed to be endorsed and to remain so endorsed for five years upon the license; but if the license were transferred to another licensee the convictions were not to remain recorded against the premises. Now, what would be the effect of that provision? The smaller man, who owned and managed his own business, would be unable to purge his premises from the recorded convictions, except at the cost of transferring his license and abandoning the management of his own trade. In other words, he would be deprived of an occupation from which he obtained his living, and would have to pay some one else to keep the house in his place; while the great capitalist, who owned many houses, would be able to purge his license and his premises from the cumulative effect of convictions simply by a transfer of his license to another licensee. In other words, he would be able to reap the profits of keeping a disorderly house without forfeiting his license, simply by effecting a timely change of his agents. That argument might appear, at first, not to apply to many large capitalists, who, it would be said, were only mortgagees of premises; but, in point of fact, as these mortgages were generally made conditionally on the mortgagor's dealing with those who advance the money, the capitalists did really share in the profits of the trade just as much as the owners of the premises. Now, was it wise or just that those who were deriving a large share of profit from this drinking should be exempted from that responsibility for those whom they employed, and for the acts of those who were virtually their partners, to which people were subject in almost all the other relations of life? These great capitalists were the men whose gigantic profits had been derived from the existing monopoly. They were the men who really had the power in their hands, by a careful selection of those to whom they advanced their money, of diminishing the evils of the trade, and the effect of the present Bill was practically to relieve them from responsibility. When the House got into Committee it could, he thought, be shown that, in the absence of some change in that respect, the responsibility of rich capitalists would be diminished by the Bill, instead of being increased; and it could, he believed, also be shown that it would be possible to bring home to them their responsibility in such a manner as not to involve them in liability for actions over which they did not get adequate control. Then, as to the question of permitting drunkenness. The Bill imposed heavy penalties—too heavy, if they were to be enforced; but, at the same time, it continued the present definition of the offence. Experience had shown that that definition was so vague that it was impossible to enforce it. The statistics of any large town would show that, however numerous the convictions for drunkenness were, the convictions for permitting drunkenness were almost *nil.* In Liverpool, in 1872, the convictions for drunkenness were 18,010, and only those were convicted who were incapable or violent. They represent only a portion of the actual drunkenness, yet in 1872 only 16 convictions were obtained against those who had permitted this large amount of drunkenness. If the Bill were to be a practical one, its penalties might be as reasonable, as moderate, as the House liked; but they must be such as could be enforced, and such as, when enforced, should reach the persons who were deriving benefit from the transactions out of which the offences grew, and those in whose power the remedy lay.

Mr. GOLDNEY concurred with the hon. Gentleman who had just sat down in thinking there should be some provision in the Bill by which, after a series of convictions, the landlord of the premises should be visited with a penalty, so that he might have an inducement to select proper persons to carry on the business. The principles which ought to be laid down were, that licenses should be granted only to men of the best character, and that before granting a new license or renewing an old license an examination of the premises should be made to ascertain whether they contained at least, one large, airy room, so that persons going to a public-house for the purpose of meeting their fellows might not have their health injured by being pent up in the close rooms where they were now obliged to assemble. He also thought that licenses might be granted for a class of houses to be open only for a short time. At markets, where the business was over early in the day, people might be willing to take licenses enabling them to keep their houses open till noon. Such an arrangement would tend to diminish the number of public-houses open at night time, and would not be unacceptable, he believed, to the publicans. There was a defect in the Bill, or rather an omission in the Bill, which ought to be remedied by giving to publicans the necessary powers to remove from their premises anyone who refused to go away at the proper hour of closing. He was of opinion that the new principle as to the assent of a permanent select body, in addition to the Petty Sessions Justices, granting licenses was a good one. The only difficulty in the matter was in reference to boroughs, and he suggested that, where a sufficient number of licensing magistrates might not be found, the Recorder in a corporate town, and a certain number of the inhabitants, who had been Mayors, might be added, with the approval of the Lord Chancellor, to the Licensing Committee. Under the miscellaneous clause, the provision to the effect that any magistrate, who was in partnership with or held any share in any company being common brewers, or retailers of beer, should be liable to a penalty of £100 for acting for any purpose under the Bill, although in accordance with the old Acts, would now create great difficulty, as such a provision would apply to any man holding a share in a railway company, for most of the railway proprietors were interested in large hotels at the railway termini; and the clause would exclude many efficient men from the Licensing Committee. He thought the Bill, on the whole, was calculated to meet the requirements of the public, and to be beneficial to the community at large.

SIR ROBERT ANSTRUTHER remarked that if anything was to be done this Session it must be done quickly. It would be the more inexcusable in him to detain the House, inasmuch as he had already had an opportunity of expressing very fully his views on the general question; but one main reason why he rose was to say that it appeared to him that the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had entirely misrepresented the speech of the Home Secretary and the object of this Bill. He had tried to show that on the 3rd of April, 1871, the right hon. Gentleman had made a speech, in which he intimated his readiness to accept the principle of the Permissive Bill. His right hon. Friend was too old a bird to be caught by such chaff. The present Bill contained no provision whatever of that nature; whereas the Bill of the hon. Baronet the Member for Carlisle would constitute a body, the main object of which would be to shut up public-houses and nothing else.

SIR WILFRID LAWSON denied that that would be the case. The ratepayers would have the decision in their own hands.

SIR ROBERT ANSTRUTHER: But the hon. Baronet went this length, that he said, if you interfere with the liquor traffic, you should do away with it altogether. Now, for what purpose was it that so many Bills had been tabled? Why had he tabled one, the Government another, the hon. Baronet opposite the Member for West Essex (Sir Henry Selwin-Ibbetson) another? Why was there such a desire for legislation on the subject? Was it not because they felt the evil which the sale of intoxicating liquors produced, and because they desired to diminish that evil by degrees, and as they found opportunity? But to think of sweeping it away, that could not be done. Sweeping away was not popular control, and his right hon. Friend the Home Secretary would not, they might rely, be deluded into any such notion. There ought to be popular control. He (Sir Robert Anstruther) should press for it at the proper time, but not in the sense clamoured for by the advocates of the Permissive Bill and his hon. Friend behind him. In his opinion, the Licensing Board should not consist entirely of magistrates. He was delighted to hear his hon. Friend the Member for West Essex declare that the present authority was by no means satisfactory; that their decisions were not satisfactory; and that a change was necessary, more especially in the smaller boroughs, to which the provisions of the Government Bill did not apply. Now, such an admission coming from the hon. Baronet was most satisfactory, and he was glad to hear the hon. Member for Chippenham (Mr. Goldney) asserting that other than magistrates ought to be admitted to the Board. There were none so interested in diminishing the liquor traffic as the ratepayers, and the right hon. Gentleman might rely upon it that the only way to constitute an efficient Licensing Board would be to put ratepayers upon it. If he wished to be as good as his word he must adopt some system of that kind. He called upon the right hon. Gentleman, having used the words he did, to take some step and give effect to them by establishing a sound popular control. He did not think the Bill was strong enough. No doubt the right hon. Gentleman would meet him by the statement that to pass a stronger measure would be difficult, and that the Bill of last year had not found the support he expected. That Bill was withdrawn too soon. If the right hon. Gentleman had exhibited more courage he would have received more support. No doubt he would contend that it was a very ugly question, and that his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) was every day attempting to make it more ugly. From a party point of view this was a particularly disastrous question to touch. All the more honour, then, to his hon. Friend opposite the Member for West Essex for dealing with it as he had done, and for the bold and manly way in which he had argued out his own views. What the hon. Baronet the Member for Carlisle, however, had said was quite true. The Bill was not calculated to stop agitation, and as to being a real settlement of the question, it would prove nothing of the kind. The hon. Member for Carlisle had made the difficulty, preventing anything like *bonâ fide* legislation on the subject, by teaching people to believe there could be no satisfactory measure short of entire prohibition. That doctrine had to some extent been accepted, and the hon. Baronet unquestionably received immense support for his Bill; but that support came from the popular control side, and not from the total prohibition side. In the Government Bill of last year there were means provided for diminishing the number of public-houses. There were no direct means in the present Bill for such a purpose; on the contrary, there were very considerable means for increasing the number. He hoped his right hon. Friend would take means to prevent their increase by continuing the Suspensory Act of last Session, which would expire next month, or by some other stroke of legislation, otherwise they would be in a worse position. The hon. Baronet the Member for West Essex had ably dealt with the grocers' license question; but he had not proposed any remedy. In his (Sir Robert Anstruther's) Bill he proposed that no more such licenses should be issued, and if the evils were so great as the hon. Baronet contended, he thought that he was bound to put a somewhat similar Amendment on the Paper. [Sir HENRY SELWIN-IBBETSON said, he had such a Notice on the Paper.] He (Sir Robert Anstruther) was extremely glad to hear that statement, and would give the proposal his support. What he really desired was to assist the right hon. Gentleman in passing the Bill, and to shore him up against the assaults of the other side. There was his hon. Friend the Member for Leeds on the alert ready to attack the right hon. Gentleman. [Mr. WHEELHOUSE dissented.] Well, if the right hon. Gentleman had the support of the hon. and learned Gentleman he would be indeed delighted. The object of any Amendments which he might propose would be to strengthen the hands of the Home Secretary, and to enable the Government to pass such a Bill as would give the largest measure of satisfaction. He earnestly trusted that the right hon. Gentleman would adhere to the main principles of the Bill, and that he would give his assent to many Amendments which were placed on the Paper with the view of strengthening it.

MR. WHEELHOUSE said, the hon. Member for Fifeshire (Sir Robert Anstruther) was mistaken in supposing that he intended to attack the Home Secretary on this question. He only rose for the purpose of referring to two matters in connection with this Bill. The first thing to which he desired to call the attention of the Home Secretary was that it would be desirable to have an index to the measure, as they had in all Bills which originated in their own House. The other point on which he desired to impress the Home Secretary was the necessity of uniformity of closing hours. He did not refer to the case of the Press. Those connected with the Press must have places for refreshment. Their work went on during the greater part of the night, and the Home Secretary had proposed to give the magistrates power to provide for that state of things. He thought, however, he would be able to show the Home Secretary that what was good for London was more required for the manufacturing towns in the North of England. He believed that there was much less night-work within the metropolitan four miles radius than there was in the manufacturing districts. In the coal mines and factories of the North of England it was the practice to work all the night through by what was called the "night-shift principle." For the men so employed, the night was practically their day, and their fair opportunity for earning money, and it was clear that there ought to exist facilities—even where magistrates might not, perhaps, always be disposed to grant them—for those men getting some refreshment, whether in the shape of a glass of beer or, as he was happy to think was generally the case, coffee for breakfast in the morning, when they were going from or to their work. To fix the time of opening in the morning at 7 o'clock might create the greatest possible hardship in his own district (Leeds). [Mr. BRUCE: In the Bill the hour is 6.] He was glad that that was so; but if a man must be at his work at 6 precisely, it became a grave question how he was to obtain his breakfast in a cold winter's morning unless he took it with him in a can. It was the custom of the men to go a little before 6 to get their frugal meal at some place of refreshment. Again, pretty nearly all over West Yorkshire, after leaving work in the evening the working men held their friendly society and other business meetings and their quiet discussions;

and much inconvenience might result from closing all public-houses at an earlier hour than at present in a large town, for example, like Leeds, than which, he believed, there was no place where there was less drunkenness. No doubt when public-houses were kept open till a late hour there was, as it were, an accumulation of drinking; but still they ought not in fairness to attribute to the last hour or hour and a-half all the drunkenness which might occur. He had long been firmly convinced that the licensed victualler of the old law, not only was a highly respectable tradesman, but that of late years he had had heaped upon his head, and been practically, in the opinion of the world, made answerable for the sins, offences, and shortcomings of others. His strong opinion, even now, was that, had the Act of George IV. been preserved in its original integrity, there would have been not the slightest necessity for the legislation now proposed; but years ago "*Dii aliter visum*"—though whether the *Dii* of those days were well advised or not, let the present position of this question determine. The two points, therefore, which he now desired to urge were—first, that there ought to be no difference between the hours of closing in their large towns and cities, especially in the North of England and the hours in London; and, second, he admitted that as far as good government in this country was concerned, midnight was not too early for the closing of public-houses. There were states of circumstances which made what was good for the metropolis equally good for country districts where there was a large working population; and it was very desirable that the working men should have reasonable opportunities for carrying out the duties incident to their daily life. After the able explanation of the Home Secretary, he sincerely hoped that he would have little difficulty in dealing with the clauses of the Bill when in Committee.

MR. M. CHAMBERS said, it was a trite remark that history repeated itself. The younger Members of the House would do well to amuse or instruct themselves during the Recess by reading the accounts given of the abuses of our licensing system more than half a century ago. The Government of that day proposed to alter that system, and they said that the brewers had too much power. The rule was therefore laid down that the brewers should not have any undue influence in granting licenses. Nevertheless a new excitement arose on the subject. Lord Brougham, in his admirable speech, declared that under the then existing system no humble man could get a glass of pure, good, and wholesome beer, and forthwith an Act was passed for establishing beerhouses, but capital conquered, and these houses in the course of time fell into the hands of a new class of brewers, and instead of becoming excellent establishments, as was at first thought, they became considerable nuisances, particularly in country districts; and, instead of supplying good beer, they sold a very inferior article. Those houses, he was sorry to say, had not improved of late years, and he defied any one to get a pure glass of beer in any house in London. If anyone knew where to get it he should like them to tell him. He was glad to see that the old term of "licensed victuallers" had been abandoned in the Preamble, because formerly licensed victuallers houses meant houses for providing victuals for people, but they had degenerated into mere houses for selling liquors. He regretted to find that the debate had rather turned upon the clauses of the Bill. He should not follow that course but should discuss its principles. He was not Saint or Puritan enough to condemn those who sought recreation and pleasure. The manners of the people had changed; our theatres were now open to a much later hour than they used to be. Since the practice of closing publichouses at 12 o'clock was adopted, he must confess that he thought it hard that people could not get a supper with something to drink after coming out of a crowded theatre. That was almost prohibited now, and the consequence was that all sorts of devices were resorted to to evade the law; and it struck him that they had been a little too rapid in their proceedings with reference to those who visited theatres. Those who went to the opera might go home and get all sorts of refreshment. Gentlemen might go to their clubs and get refreshment at 1 o'clock in the morning, and he thought that they went a little too far to arbitrarily close public-houses at 12 o'clock. It was unquestionable that during the time that many slept others were engaged in hard work. He had himself been associated in work with literary men up to 5 o'clock in the morning, and he well knew one peculiar class of hard-working men, compositors and printers, and no one could say it was not very hard upon them that they could not get any refreshment in the night. An hon. Member, on a former occasion, had alluded to the people who worked in the day time, but quite left out of consideration the merits of the large population who were obliged to work at night. Formerly there used to be what were termed night-houses, which were intended for the accommodation of Hackney coachmen; but he supposed that as they went out such houses disappeared. There was also a large number of men employed by market gardeners who arrived at Covent Garden, perhaps, at half-past 3 or 4 in the morning, often utterly exhausted; and it was very harsh to prohibit them from obtaining a wholesome glass of beer. Many others had to work at night occasionally who ought to be allowed to get refreshment; therefore, he thought that some houses, at all events, should be permitted to remain open. With respect to adulteration, there was no doubt that it existed to a very great extent. It came out in the investigation before Mr. Scholefield's Committee that there was a class of men called "doctors," whose occupation was to visit publicans and teach them how to doctor the beer by mixing certain deleterious ingredients with it, so as to increase the quantity without apparently diminishing its strength or flavour, and it was proved distinctly that vast quantities of pernicious preparations were used, so that it was impossible in any ordinary public-house to get a good, genuine, wholesome glass of beer. It was also proved that there was really no pure gin sold at such houses, and that those who drank what they supposed to be gin over public-house bars were really drinking neither more nor less than poison. In his opinion, those who framed the Bill had not availed themselves of the information which was contained in the Reports of Committees upon the subject; and he was afraid that having brought in a Bill last year which from the stringency of its clauses gave great offence, they this year determined to bring in as "smooth-going" a measure as possible in order to throw upon the House the responsibility of making it more stringent, and thus relieve themselves of the odium at the expense of individual Members, who would be called to justify themselves before their constituencies. He hoped they would, but feared they would not, get the Bill through Committee this Session.

Mr. LOCKE said, reference had been incidentally made to a Bill introduced by Mr. Scholefield, entitled "An Act for preventing the Adulteration of Articles of Food or Drink" (23 & 24 *Vict.* c. 84). By that Act the Vestries in the metropolis were empowered to appoint analysts, by whom the purchasers of food might have them analyzed; but there was an important omission in that Bill, inasmuch as it was merely left to the option of the Vestries to appoint these analysts, and they had never done so. With respect to the licensed victuallers, excisemen were employed to go to public-houses and take liquors from the bottles and barrels and cause them to be analyzed. The proposal of the hon. Baronet the Member for West Essex, in his Bill, was that every parish should employ an Inspector, and that there should also be an analytical chemist attached to every parish, and that the appointment of these officers should be compulsory upon the parish. A great endeavour had been made to ascertain whether or not articles sold by publicans were doctored; but the attempts to ascertain that had failed, and therefore it would appear that, at all events, the great bulk of the publicans did not adulterate the liquors they sold. In his opinion, the country ought to thank the right hon. Gentleman the Secretary of State for having brought in this Bill. Last year, no doubt, the right hon. Gentleman brought in a measure with the very best intention; but it was clearly not pleasing to anybody. But this Bill seemed a very sensible one, and he (Mr. Locke) thought that if it were carried out, even the hon. Baronet who sat behind him (Sir Wilfrid Lawson) would become pleased with it. At the last Election there was "a stand-up fight" at Plymouth. All the great questions which occupied the public mind were set aside there, and the question which was made the order of the day at Plymouth was who should return the Member—the licensed victuallers, or the supporters of the Permissive Bill. It was odd that so near to Plymouth there should be a place like Devonport, where, according to his hon. and learned Friend's (Mr. M. Chambers') statement, the public drank nothing. They had no public-houses, no beer—in fact, he might say, "no nothing." Certainly that must be a place in which it was not desirable for anybody to live. But his hon. and learned Friend goes to Devonport—[Mr. M. CHAMBERS: What I said was, that publicans had no political influence.] His hon. and learned Friend said that publicans had no influence there. He (Mr. Locke) did not suppose that trading publicans had greater influence there than other people; but there must be a good many of them in Devonport, and he presumed their votes were as good as anybody else's, and if they gave a man a vote so much the better for the person who got it. There were points in the Bill which he thought must be remedied, and he had given Notice to bring the question before the House in Committee. He thought some of the clauses in the Bill were rather harsh. One of them was particularly so. It was said that where any offence had been committed in a public-house, the publican was to be taken before a magistrate, and the magistrate was to convict him, and whatever the offence might be it was to be endorsed on the license. There were a great many offences in the category — very slight offences indeed. Supposing a game at cards were played, and the publican could not prevent it, yet it might be recorded on his license. He therefore thought that the magistrate ought to have some discretion in the matter given to him, or that provision ought to be altogether expunged from the Bill. He thought the hours which public-houses were allowed to be open as provided in the Bill were not sufficient. At night there were a number of persons for whom it was positively necessary that public-houses should be open. Therefore to lay down one strict rule was altogether out of the question. He was certainly anxious that this point in the Bill should undergo revision. For his own part, he did not think that the hours that they had at present were too long. A good deal had been said in the course of the debate about licensed victuallers and grocers. Now, it must be remembered that the great bulk of the grocers sold liquors at a time when the publicans were prevented from doing so, and that, too, on the premises. A grocer was placed in a different position with regard to the taking out of a licence to a licensed victualler, and that point was one which would require more consideration in Committee. There was another objection to the Bill. For the first time an ordinary policeman would have power given to him to interfere in a publican's business which he should never be entrusted with; but that, too, might be provided against in Committee. In conclusion, he begged to express a hope that they would get rid entirely of this question, which had caused so much uneasiness and given so much offence to a very large and most respectable body of men such as the licensed victuallers.

MR. D. DALRYMPLE, though unable to agree with his hon. and learned Friend that this Bill was overladen with honey, was glad to see it introduced. He hoped, however, that the hours for closing public-houses would be rendered uniform. So far from his hon. and learned Friend (Mr. M. Chambers) having proved the necessity of keeping public-houses open in London to a very late hour, he thought he had proved the extreme desirability of closing places of amusement and public-houses at an earlier hour. He thought it would be an improvement if theatres and public-houses were closed at 11 instead of 12. It would be very difficult for him to answer the question why public-houses in Leeds and Bristol should be closed at 11 when public-houses in London were allowed to be open till 12. He entirely agreed with what the hon. and learned Member for Southwark (Mr. Locke) had said with regard to grocers' licenses. The practice of selling intoxicating liquors in grocers' shops was increasing in this country, and if the House was going to put a heavy hand upon licensed victuallers he thought a heavier hand ought to be put upon grocers, and that steps should be taken to ascertain what was going on in grocers' shops. These matters he hoped would be discussed in Committee.

MR. DODSON congratulated the Home Secretary upon having introduced a "smooth-going" Bill, as his hon. and learned Friend behind him (Mr. M. Chambers) had described it. Hitherto this question had been discussed with an earnestness and a zeal which were usually reserved for theological questions. The House was now discussing a Bill which introduced no new theory and no new principle. There seemed to be no dispute as to the desirableness of amending the law of licenses. There was no dispute as to whether this was the proper time to make that change, and there seemed to be no dispute on the question whether this was a reasonable Bill. Therefore, in his opinion, there was an unwarrantable consumption of the national gas in prolonging this discussion. This Bill consisted of details, constituting a series of Amendments, in a most complicated code of laws, involving minute regulations, and he thought the House could make no progress until they went into Committee.

Mr. HENLEY said, it was not to be wondered at, considering the agitation that had gone on on both sides of the question, that the Government should endeavour to do something; but he never saw a Bill which showed so much that they wanted to do something, but were utterly unable to know what to do. There was a great deal to be said in Committee on many of the penalties proposed to be imposed. He doubted whether they had been adjusted on any sound rule. It was impossible not to see that things important and things most trifling were treated in the same way. A grave offence should carry penal consequences; but there were other offences which should receive very different treatment. One thing they would have to do would be to define more accurately what they meant by a man who had been drunk. That was a very wide question. He remembered taking part in an inquiry 40 years ago as to the conduct of a body of men, some of whom were decorated with the Peninsular medals, and the only point on which the witnesses agreed was that a man could not be drunk if he could stand or speak. Liverpool and Manchester, with their large population, were to have a committee of nine magistrates, while in counties like his own (Oxford) with a much smaller population, the committee would number 12. The quorum was to be three, and there being no business more disagreeable than licensing, he feared that it would be left to three persons, just as in Select Committees upstairs the quorum was frequently the limit of attendance. In counties there might be either a general committee or a committee for each district. The former plan would, probably, be thought most convenient, and in his county containing 11 licensing districts, the committee would probably consist of one magistrate from each together with the Chairman of Quarter Sessions. Now such a committee would have little local knowledge, and would be guided by the opinion of the local member; whereas at present five or six magistrates usually transacted the business of the district—men conversant with the wants of the locality and with the character of applicants and memorialists. In boroughs having 15 qualified magistrates, a licensing committee was to be appointed, and it was provided that the action of qualified justices should not be invalid; but he saw no provision made for the contingency of a committee being appointed under an erroneous impression that there were 15 qualified magistrates. He objected also to multiplying the documents which justices' clerks were required to keep, thus tending to make petty sessions courts of record. The hon. Baronet below him (Sir Henry Selwin-Ibbetson) had touched upon a point which demanded great consideration — namely, adulteration. As this Bill had been drawn, by perhaps the accidental use of the word "may" instead of "shall," it would not be necessary for the policeman who was taking away samples of liquors to inform the publican from whose house he was taking them that they were wanted for the purpose of analyzation. Now, such a proceeding could not be satisfactory to any party. It was true the samples must be sealed up if the publican required it; but the samples might be taken behind his back and without his knowing what was going to be done with them. All these points, he thought, required the gravest consideration. The Schedules included seven or eight Acts of Parliament, adopting the clauses of some, and omitting others. When, therefore, the Bill came into operation it would be rather cumbrous. He should like to see a bonfire made of the numerous statues on this subject, and hoped that in quieter times the Government would find an opportunity of consolidating the law. This would do some good; whereas this Bill was likely to give a good deal of trouble, and the

Home Secretary had certainly had more than his share of trouble in bringing it forward.

MR. ALDERMAN W. LAWRENCE congratulated the Home Secretary on the reception the Bill had met with from both sides of the House, it being supported by the hon. Baronets the Members for West Essex (Sir Henry Selwin-Ibbetson) and Carlisle (Sir Wilfrid Lawson). The hours of opening and closing would require consideration, and he objected to the adoption of the term, not before used in Acts of Parliament, of "intoxicating liquors." A gentleman who took a glass of wine did not take a glass of intoxicating liquor, though if he took too many glasses he found it intoxicating. Intoxicating meant not only drunk-making but poisonous, and was a term of reproach more fitly used by the supporters of the Permissive Bill, just as the Peace Society might call a Gun Bill "a Bill for the Licensing of Murderous Weapons." He hoped that the right hon. Gentleman would alter the title of the Bill.

MR. COLLINS congratulated the House upon the Conservative reaction which had set in. After having confiscated the property of the Irish Church and the Irish landowners, the Government had brought in a Bill to confiscate the property of the English publicans. The English people, however willing they might have been to tolerate confiscation of property in Ireland as being an exceptional country, were not willing to see it carried out in England, and, consequently, the Government Bill of last Session had no chance of passing. The Government having learnt wisdom by experience, and having found that the present Parliament was likely to become Conservative before it died a natural death, had thrown over their former Bill, and had introduced the present measure, which he believed to be, upon the whole, a very good one, and one which was likely to pass. As to the question of the hours for closing public-houses, he thought it might be safely left to the discretion of the magistrates, because no two towns or villages were precisely the same as to their circumstances, and "a hard-and-fast-line," as proposed in the Bill, would not work well. This Bill would be much sounder if the hours during which public-houses ought to be closed were framed upon a more elastic system. He had a great desire that this question should be settled. If it were left unsettled, it would give rise to a great deal of ill-feeling in all parts of the country, and there would be always a number of fanatics led by an honest man like the hon. Member for Carlisle (Sir Wilfrid Lawson) who would be agitating on the question.

MR. PIM trusted that the words "or Ireland" would be omitted in the 2nd clause.

MR. BATES denied a statement that at the last election for Plymouth the contest had been between the Permissive men and the publicans. Such a statement was contrary to the fact. If there was a fight it was whether Plymouth should be represented or misrepresented in this House. The Permissive men were nearly all Dissenters and Liberals, and he had declared himself a Conservative and a Churchman.

MR. BRUCE, in reply, said, the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson) had complained that the Bill was not comprehensive enough, and suggested various modes for enlarging its scope. The Government had dealt with that portion of the subject which they thought most pressing, leaving the question of the consolidation of the Acts to be dealt with at a more convenient season. The details of the Bill which had been criticized by the hon. Baronet would receive his attention. The hon. Members for Carlisle (Sir Wilfrid Lawson) and Fife (Sir Robert Anstruther) appeared by their remarks to have forgotten that the changes proposed related not to the renewal of old, but to the granting of new licenses. The hon. and learned Member opposite had objected to the Bill on the ground that it contained no provision for limiting the number of public-houses; but the Bill was drawn on the principle that as long as public-houses were well managed, it was not the duty of Parliament to reduce the number of those establishments. The duty of the Government was to maintain order and not to restrict the supply of liquor to the public. Every measure which was framed for the purpose of limiting the number of public-houses must have the effect of establishing a monopoly with its attendant evils.

MR. GATHORNE HARDY rose to Order. As no Amendment had been moved, the right hon. Gentleman was not justified in entering into questions which might be much better discussed in Committee. The right hon. Gentleman ought not to avail himself, in a case of this kind, of a privilege which would be denied to a private Member.

Motion *agreed to.*

Bill read a second time and *committed* for *Tuesday* next.

MINES (COAL) REGULATION BILL.

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

[BILL 150.] FURTHER CONSIDERATION AS AMENDED.

Further Proceeding on Consideration of Bill, as amended, *resumed.*

Part I.

Employment of Women, Young Persons, and Children.

Clause 8 (Educational provisions with respect to boys).

Mr. BRUCE moved, in page 2, line 33, after "shall" to insert "attend school."

Amendment *agreed to.*

Mr. BRUCE then moved, in line 34, to omit—

> "Attend a school which the Lords of the Committee of the Privy Council on Education have recognized as giving efficient elementary education to the children of the district, or, if there be no school in the district which has been so recognized or no school so recognized in which there is room, then any elementary school in the district,"

and insert, as a fresh sub-section—

> "Where in England or Scotland there is within two miles, measured according to the nearest road, from the residence of such boy, or the mine in which he works, a school which is for the time being in receipt of a Grant out of moneys provided by Parliament, or which is for the time being recognized by the Committee of the Privy Council on Education as giving efficient elementary education, and which the boy can attend, such school, unless the teacher is disqualified under this Act, shall alone be deemed to be a school for the purposes and within the meaning of this Act."

Mr. STAPLETON did not oppose the omission of the words; but if the subsection which it was proposed to substitute were pressed, he must challenge the judgment of the House upon it. He objected to it on the ground that it might involve compulsory attendance at a school to which the parents objected on the ground of religion. It might be a Church school, in which case Dissenters or Roman Catholics might object; or it might be a Roman Catholic school, in which case Protestants would object. And yet the clause was compulsory in its character.

Mr. BRUCE said, that not desiring unnecessarily to raise a debate on the religious difficulty, he would withdraw the sub-section; but should insist on the omission of the words he had proposed should be struck out.

Motion *agreed to;* words *struck out.*

Motion to insert words, by leave, *withdrawn.*

New Clause after Clause 10 (Penalty to enforce attendance of children at school), an Amendment made by inserting after "the parent, guardian, or person"—

> "The following regulations shall apply to every boy of 10 and under 12 years of age employed below ground in any mine to which this Act applies."—(*Mr. F. S. Powell.*)

Clause 11 (Employment of women, young persons, and children above ground about mines).

Mr. BROWN moved an Amendment in the clause to prevent the employment of girls under 16 on the pit-banks, where they were at present employed in company with married men. The practice had decreased somewhat in Northumberland and Durham, but was in full force in other districts, especially Staffordshire and Dorsetshire. As the Bill would still allow women above 16 to be employed, the proposal must be regarded as moderate, and there was no question it would produce valuable results.

Amendment proposed,

> In page 5, line 11, after the word "effect," and before sub-section 1, to insert the words "No female child or female young person shall be so employed."—(*Mr. Alexander Brown.*)

Mr. RODEN said, that this question had been already fully discussed and disposed of, and it was taking up the time of the House needlessly to discuss it again. A Committee, and also the Inspectors, had expressed their opinion against any interference with this kind of labour. The persons who were themselves in this work were of a similar opinion. It was desirable, instead of limiting, that they should increase, if possible, the employments open to women.

MR. CANDLISH reminded the hon. Member that the Amendment did not refer to the employment of women, but only to the employment of females between the ages of 10 and 16, whom it was the duty of the Legislature to protect in every way possible. He trusted that the Government would accept the Amendment.

MR. FLETCHER opposed the Amendment, on the ground that it was vague. The employment of women on the pit's bank was fully discussed in Committee, and he was sorry the question had been again referred to in that House. In his part of the country the work was not considered degrading, because they were only employed in picking out the refuse coal before it was sent to market.

MR. BRUCE said, there were two cases in which women were not allowed to be employed—underground and by night; but the present occupation fell within neither of these categories, and the Amendment would introduce a dangerous principle. It would exclude from this kind of work girls between 10 and 16; but why should they be excluded from this work and not from any other?

MR. MUNDELLA said, that under the Act of last Session girls under 16 were prohibited from working in brickfields. [MR. BRUCE: Because they carried heavy weights.] This clause would not interfere with the work of women; but it would be a great hardship if they did not exclude in this case females under 16 years of age.

MR. PEASE said, they were discussing a question that had no practical bearing, and it would be better not to legislate upon it. He had a dislike to see women working at the pit's mouth, and it was rarely done. It would be far better to leave the matter to be settled by public opinion rather than by legislation.

MR. RICHARD said, a strong resolution was passed by the conference of working miners at Manchester disapproving the employment of women even on the pit-bank; and though the House might not think it well to go so far, they might certainly forbid young girls to work there.

MR. MUNTZ sympathized with the philanthropy of his hon. Friends, and wished that both girls and women should not be employed in this way. But it was a question of bread and cheese. Women and girls had to work in factories, and there was nothing more demoralizing in work outside a pit than in work in other places.

MR. F. S. POWELL said, there was a great distinction between the work in the brickfield and that about pit-banks. The evidence given before the Committee went to show the demoralizing condition of the girls in the brickfields; but the tendency of the evidence with regard to the females employed at the pit-bank was of an opposite tendency. There were also many girls who were unable to bear the confinement of the factory, but who found employment at the pit-bank a healthy occupation.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 63; Noes 118: Majority 55.

Clause 14 (Penalty for employment of persons contrary to Act).

MR. BRUCE moved, in page 6, line 29, after "Act," to insert—

> "And in case of any such contravention or non-compliance by any person whomsoever in the case of any mine, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, provided that the owner or agent of the mine shall not be deemed guilty if he prove that he had taken all reasonable means by publication and enforcement of the provisions of this Act to prevent such contravention or non-compliance."

MR. F. S. POWELL complained that the manager was left without protection.

MR. BRUCE explained that the presumption was that the manager would know all the circumstances.

LORD ELCHO, as representing to some extent the feelings of those principally concerned, accepted the proposal of the Government as a solution of the difficulty.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Wages.

Clause 15 (Payment of Wages at public-houses, &c.)

MR. ASSHETON quite approved of the proviso against the payment of wages at public-houses, but thought the clause went too far, as it might prevent the payment at convenient places near the works, and therefore moved, as an Amendment, the omission of the words "or contiguous."

Amendment proposed, in page 7, line 3, to leave out the words "or contiguous."—(*Mr. Assheton.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. PEASE said, the words really applied to a garden or other place connected with a public-house; and the provision had been law for some time, and had caused no inconvenience.

Mr. ASSHETON could not assent to this interpretation, but withdrew his Amendment.

Amendment, by leave, *withdrawn.*

Mr. BRUCE moved, in page 7, line 11, to leave out "knowingly."

Mr. STAVELEY HILL said, the Committee had accepted the word in the belief that no man could be guilty in respect of an action committed without his knowledge.

Word *struck out.*

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 16 (Payment of persons employed in mines by weight).

Mr. GOLDSMID stated that the hon. Member for Brighton (Mr. Fawcett), who had given Notice of his intention to propose the omission of the clause, was unable to attend from indisposition. He intended, however, on the third reading to move the re-committal of the Bill for the purpose of proposing the omission of the clause, not that he objected to wages being determined by weight, but that he thought it should be left to the masters and men to settle this for themselves.

Mr. BRUCE moved, in page 7, line 37, after "Act," insert—

"And in the event of any contravention of or non-compliance with this section by any person whomsoever in the case of any mine, the owner, agent, and manager of such mine shall each be guilty of an offence against this Act unless he prove that he has taken all reasonable means by publication and enforcement of the provisions of this section to prevent such contravention and non-compliance."

Amendment *agreed to.*

Clause *agreed to.*

Certificated Managers.

Clause 24 (Appointment of manager to mine).

Amendment proposed, in page 12, line 25, to leave out the word "ten," in order to insert the word "twenty,"—(*Mr. Secretary Bruce,*)—instead thereof.

Question proposed, "That the word 'ten' stand part of the Bill."

Mr. GATHORNE HARDY hoped the Amendment would be extended. There were many small mines where only very few persons were employed, varying in number from six or seven to 20 people, and it were scarcely necessary to force certificated managers upon such small mines which were shallow and contained no inflammable gases, but only a small quantity of choke damp. He thought the number of 20 ought to be extended.

Mr. RODEN also hoped the Amendment would be extended. It would be quite sufficient to apply it to mines containing 40 persons or more.

Lord ELCHO hoped the Government would adhere to their Amendment as it stood. The miners themselves were very desirous that the provisions should not be extended too far.

Mr. F. S. POWELL supported the extension of the Amendment.

Mr. PEASE thought the number of men might be extended to 30.

Mr. ELLIOTT said, it was necessary that even small mines should be examined from time to time by a certificated manager.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 12, line 25, to leave out the word "ten," in order to insert the word "thirty,"—(*Mr. Secretary Bruce,*)—instead thereof.

Question, "That the word 'ten' stand part of the Bill," put, and *negatived.*

The word "thirty" *inserted.*

Clause 45 (Report of Inspector).

Amendment proposed,

In page 21, line 4, after the word "proceedings," to insert the words "he shall state the number of mines visited, the time engaged in the visitation, the condition the mines were in as regards safety and ventilation."—(*Mr. H. B. Sheridan,*)

—instead thereof.

Mr. BRUCE said, that the only result of the Amendment would be to add considerable labour of little, if any, practical utility to the already heavy employment of these gentlemen.

MR. A. EGERTON said, he would support the Amendment if the last few words were omitted. No advantage could accrue from stating the number and names of the mines not visited.

MR. J. LOWTHER could see no objection to a provision which would enable them to see that a number of well-paid officials performed their work properly.

MR. PEASE pointed out that it would work injuriously.

MR. GOLDSMID observed that this was a question of record only, and as the public paid the Inspectors they were entitled to know how the Inspectors were employed.

MR. STAVELEY HILL did not think any additional work would be thrown upon the Inspectors by the adoption of the Amendment.

MR. RODEN believed the proposition would lead to the appointment of more Inspectors, and consequently to increased expense.

MR. GATHORNE HARDY pointed out that the hon. Member would probably defeat his own object by the adoption of this Amendment, because the Reports of the Inspectors would be overwhelmed with useless information, and become in many instances absolutely unreadable. The duty of the Inspector was to call attention to unusual circumstances in his district, and when necessary the Home Secretary could demand a special Report.

MR. LIDDELL remarked that formerly the Reports of the school Inspectors were full of dry and uninteresting details, and warned the House against the danger of adopting such a system in the case of the Inspectors of mines.

MR. MUNDELLA said, these Reports would not necessarily be full of dry details which no one would read, for the Inspectors would probably agree on a tabular form to be appended to their ordinary Reports. He should support the Amendment.

MR. CANDLISH thought the House would, by accepting the Amendment, take upon itself a duty which properly belonged to the Home Office. He objected to the accumulation of tabulated rubbish.

LORD ELCHO thought, on the whole, it would not be desirable to accept the Amendment. It would be better to stand by the principle of the Bill, which was not that there should be ocular inspection, but that responsibility should be thrown on the owners and managers of mines.

Question put, "That those words be there inserted."

The House *divided:*—Ayes 26; Noes 101: Majority 75.

Clause *agreed to.*

Amendment proposed,

In page 29, line 6, after the word "valve," to insert the words "During at least three months after dangerous gas has been found in any mine, a barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine."—(*Mr. Secretary Bruce.*)

Question proposed, "That those words be there inserted."

Amendment proposed to the said proposed Amendment, to leave out the words "during at least three months."—(*Sir David Wedderburn.*)

Question, "That the words proposed to be left out stand part of the said proposed Amendment," put, and *negatived.*

Amendment, as amended, made.

Amendment proposed, in page 30, line 24, to leave out the word "or," and insert the word "and,"—(*Mr. Secretary Bruce,*)—instead thereof.

Question proposed, "That the word 'or' stand part of the Bill."

Debate arising;

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Collins.*)

Motion, by leave, *withdrawn.*

Original Question put, and *negatived.*

The word "and" *inserted.*

Bill to be read the third time upon *Tuesday* next, at Two of the clock, and to be *printed.* [Bill 240.]

CONSOLIDATED FUND (£8,000,000) BILL.

Resolution [July 10] *reported;*

"That, towards making good the Supply granted to Her Majesty, the sum of £8,000,000 be granted out of the Consolidated Fund of the United Kingdom."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. BONHAM-CARTER, Mr. CHANCELLOR of the EXCHEQUER, and Mr. BAXTER.

Bill *presented,* and read the first time.

LARCENY LAW AMENDMENT BILL.

On Motion of Mr. William Henry Gladstone, Bill to amend the Law relating to Larceny, *ordered* to be brought in by Mr. William Henry Gladstone and Mr. Baxter.

Bill *presented,* and read the first time. [Bill 241.]

JUDGES' SALARIES BILL.

On Motion of Mr. William Henry Gladstone, Bill for amending the Law relating to the Salaries of Judges, *ordered* to be brought in by Mr. William Henry Gladstone and Mr. Baxter.

Bill *presented,* and read the first time. [Bill 242.]

INCOME TAX COLLECTION (PUBLIC DEPARTMENTS) BILL.

On Motion of Mr. Baxter, Bill to make better provision for the collection of Income Tax in Public Departments, *ordered* to be brought in by Mr. Baxter and Mr. William Henry Gladstone.

Bill *presented,* and read the first time. [Bill 243.]

EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. Baxter, Bill to continue various Expiring Laws, *ordered* to be brought in by Mr. Baxter and Mr. William Henry Gladstone.

Bill *presented,* and read the first time. [Bill 244.]

TURNPIKE ACTS CONTINUANCE, &C. BILL.

On Motion of Mr. Winterbotham, Bill to continue certain Turnpike Acts in Great Britain; to repeal certain other Turnpike Acts; and to make further provisions concerning Turnpike Roads, *ordered* to be brought in by Mr. Winterbotham and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 245.]

WORKMEN AND SERVANTS (COMPENSATION FOR INJURIES) BILL.

On Motion of Mr. Morrison, Bill to amend the Law relating to Compensation for Injuries to Workmen and Servants, *ordered* to be brought in by Mr. Morrison, Mr. Hinde Palmer, and Mr. Andrew Johnston.

Bill *presented,* and read the first time. [Bill 246.]

House adjourned at a quarter after Two o'clock.

* * *

HOUSE OF LORDS,

Friday, 12*th July,* 1872.

MINUTES.] — *Sat First in Parliament* — The Lord Plunket, after the death of his uncle.

Public Bills—*First Reading*—Railways Provisional Certificate Confirmation * (208).

Second Reading—Drainage and Improvement of Lands (Ireland) Acts Amendment * (184).

Committee—Education (Scotland) (183-210); Registration of Births and Deaths * (179).

Committee — Report — Queen's Bench (Ireland) Procedure * (159); Colonial Governors Pensions * (196).

Third Reading—Local Courts of Record * (185); Chain Cables and Anchors Act (1871) Suspension * (163), and *passed.*

EDUCATION (SCOTLAND) BILL—(No. 183.)

(*The Duke of Argyll.*)

COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

The Archbishop of CANTERBURY said, he wished to make a few remarks on the Bill itself before their Lordships went into Committee. The noble Duke (the Duke of Argyll) who had charge of the measure, said on a former occasion that it was by a Bill in the nature of a compromise that the present scheme of English education had been established, and he recommended the House to come to a compromise in the matter of education for Scotland by adopting this Bill, which would not interfere with the religious feelings of the people. He (the Archbishop of Canterbury) had no doubt of the good intentions of the noble Duke, but it might be quite possible that even with the best intentions on the part of those who framed a measure, difficulties scarcely foreseen might arise. The noble Duke had borne eloquent testimony to the moral as well as the educational advantages which had arisen from the existing system of education in Scotland; but he said that it did not cover the entire country, and was consequently inadequate. This was the argument for the adoption of the new system; but he (the Archbishop of Canterbury) hoped care would be taken that under the new system there would be those advantages in respect of education and morals which were admitted to be a result of the system now about to be superseded. Their Lordships ought not to shut their eyes to the fact that the system proposed for Scotland was not altogether the same as regarded school boards as the new system in England. In England there were not school boards for very small districts; but the Bill before their Lordships contained a plan for a school board in every parish in Scotland. A system which worked well on a limited extent might not be so successful on a large scale. The great majority of the members of the Scotch school boards, like the Scotch people generally, would be no doubt in favour of religious education; but there were in Scotland, as in this country, many persons who wished to substitute purely secular for religious education. There was a society in Scotland which devoted itself to the advocacy of the secular system. He thought, therefore, their Lordships ought to take every precaution in order to secure that the religious element should not suffer by the substitution of the proposed system for the existing one. The conscience clause had worked well in England; but it seemed doubtful whether the four hours daily devoted to secular education in Scotland would not drive the religious instruction into the background. Again, they must remember that the schoolmaster in Scotland was a very different person from the schoolmaster in England. In Scotland he was usually a man who had received a University education, and who had sat at the feet of Dr. Chalmers. As the local school boards would be composed of that class of men who were churchwardens and Poor Law Guardians in this country, he suggested that it would be a mistake to subject the schoolmasters too much to the caprice of persons of that class. So little were we in England acquainted with the details of this question of Scotch education that the very names were some of them strange to us. It was an error, for instance, to suppose that the social position of the Scotch schoolmaster was identical or nearly so with that of the English schoolmaster. This was shown by a memorial which had been placed in his hands on the subject of the widows' fund, the object of which was to secure to every schoolmaster's widow an annuity in the case of his death. It should be especially remembered that of those persons who received a University education in Scotland no fewer than 50 per cent had no other training than that which was afforded by the parish schools —again showing that the Scotch system would not admit of comparison with the English one. For himself, he heartily approved the Bill; but he thought that great precautions ought to be adopted in order to prevent any injury to the quality of Scotch education by a scheme designed for its extension.

House in Committee (according to Order).

Clause 1 (Interpretation of Act).

THE DUKE OF RICHMOND moved an Amendment providing that "the Board" should mean the Board of Education for Scotland established by this Bill. After what had fallen from the most rev. Prelate (the Archbishop of Canterbury) he hoped to have the support of the right rev. Bench in his endeavour to get a Scotch Education Board for Scotland. Without entering into the question of the comparative value of a Scotch Committee of Education sitting in England and a Scotch Education Board sitting in Scotland, he would only observe that it was a point on which there was no difference of opinion in Scotland. There was a unanimous feeling in that country that the Education Board should be constituted in accordance with the recommendation of the Royal Commission of 1867 and the provision in the Bill of 1869. The Scotch people would not be satisfied unless they had a Scotch Board in contradistinction to a Committee of the Privy Council— a Board which would understand the peculiarities of the country, and which, from their knowledge of the country, would be competent to deal with the various subjects which must necessarily come under the cognizance of any body having charge of education in Scotland. Unless it were such a body, he maintained that the local boards could not be so controlled as to secure satisfactory results, either with regard to the education that might be given or the management of the boards. The Board of Education for Scotland ought to be acquainted with the peculiarities and with the educational wants of the country, as well as with the important duties of forming local boards and uniting parishes to meet those wants. He warned their Lordships against incurring the risk of having the standard of education lowered by boards constituted of persons with limited intelligence, who could not comprehend the educational requirements of the districts under their control. At one time the noble Duke opposite (the Duke of Argyll) who had charge of Scotch Education in that House was in favour of having a Board sitting in Scotland; why he had changed his mind was a matter of surprise to many.

Amendment *moved* to insert—"'The Board of Education' and 'the Board' shall mean the Board of Education for Scotland established by this Act."—(*The Duke of Richmond*).

The Duke of ARGYLL said, that although this was a consequential Amendment, it raised conveniently the whole question of a Scotch Board. The Government, having fully considered the matter, had arrived at the conclusion that on the whole it was not desirable to have a Board at Edinburgh. He did not deny that three years ago he proposed that the Board should sit in Scotland. Why he had changed his mind on the subject was that his proposition did not meet with that support—indeed, it was met with direct opposition—from a large number of Scotch Peers and Scotch Members of the other House of Parliament, who objected to a Board on the ground that it would be irresponsible—that sitting at Edinburgh it would not be under the direct control of Parliament. He recollected that he was obliged to defend the Scotch Poor Law Board in Parliament under the disadvantage of not having very much personal knowledge of its business; but, happily, that Board was presided over by a noble Friend and relative of his who possessed the confidence of the whole of Scotland. The Education Board which his noble Friend (the Duke of Richmond) intended to propose would come in contact with very powerful local bodies, whose decisions it would have, perhaps, to override. Almost everything which, three years ago, was proposed to be done by the Scotch Board would under this Bill be done by a Committee of the Privy Council, which Committee was to have direct reference to Scotch education, and, at the same time, would be more directly responsible to Parliament than any Board sitting at Edinburgh could be. Again, the principles of the Bill would be carried into effect by Commissioners appointed for temporary duties. His noble Friend thought a Scotch Board would keep up the standard of education; but that standard was much more likely to be kept up by the Minutes of Council. The schools would not get their grants unless on results. He (the Duke of Argyll), however, was satisfied that the principle adopted by the framers of this measure would in no way injure the effectiveness of the existing system of education in Scotland: and he was satisfied that the Board proposed would be as useful to Scotland and as provident of her interests as any Board sitting in Edinburgh. His noble Friend took his proposed Scotch Board from the Bill of 1869, without any reference to provisions in the Bill now before their Lordships, which provided otherwise for duties which that Board would have performed under the former Bill. The Board was to consist of four members, two of whom were to be a quorum. The Lord Advocate and the Solicitor General for Scotland were to be two of the number; but they would not be able to attend, so that the affairs of the Board would be discharged by two members. Did the noble Duke think that the people of the large cities and towns in Scotland would be satisfied to have the management of their schools transferred to Edinburgh? Some time ago, when he was in Glasgow, he found that the miners resident there had, by means of 2*d.* a-week, erected, endowed, and supported a series of large schools. Did the noble Duke suppose that the managers of these schools would allow their affairs to be transferred to Edinburgh? He did not think they would. He did not think there was really a necessity for the Amendment of the noble Duke, and he trusted the Committee would not consent to it.

Lord COLONSAY said, he regretted that the general scope of this Bill should be so unfriendly to religious instruction as well as to higher education. The voice of the Scotch people was decidedly in favour of a resident Board. They apprehended that the measure was one which would tend to lower the standard of education by placing parochial schools on the level of primary schools, instead of sustaining the encouragement which had hitherto been given to the higher-class education, with which the Committee of Council had less to deal than with primary instruction. Whilst he had not entire confidence in local boards, at all events he thought the system was one which would require the control of a Board resident in Scotland.

The Earl of AIRLIE said, his noble Friend (the Duke of Richmond) had laid great stress on the people of Scotland desiring a religious education; but he (the Earl of Airlie) did not see what connection that had with the proposition to establish a Board in Scotland. As regarded the standard of education, he believed it was the desire of all that that should not be lowered. He confessed that he could not see how a Board sitting at Edinburgh would be able to maintain a higher standard than a Commission under the direction of the Privy Council. All that the noble Duke wanted could be given by the Privy Council as well as by a Scottish Board. The noble Duke had said that there was no doubt that the whole population of Scotland were in favour of this Scottish Board; but this Bill had passed the House of Commons, where Scotland was represented, and it was strange that no such Amendment had been carried there. Various Amendments had come up in the other House with a proposition for Scotch Commissioners, and this was the compromise accepted by the representatives of Scotland in the House of Commons as a satisfactory arrangement. He did not think they ought to have two separate Boards, when their object could be attained as well by one; two such Boards could lead to nothing but embarrassment. That it was desirable to have Scotchmen on the Board well acquainted with the feelings and wishes of the people of Scotland, no one would deny; but the Amendment proposed by the noble Duke opposite did not provide that its members should be connected with Scotland in any way. The Bill proposed that the Lord Advocate should be one of the most prominent members of the Board. It was everywhere admitted that the Lord Advocate was overworked, and therefore it would be almost impossible for him to take responsible duties to be discharged in Edinburgh, as proposed by the Amendment. It would be necessary for the Lord Advocate to neglect other business if he was to go to Scotland, and there was no way of getting out of that difficulty. The noble Duke (the Duke of Argyll), in moving the second reading of this Bill, had told them that the great reason of the inefficiency of parish schools was, that when once a schoolmaster was appointed there was great difficulty in removing him. But what did this Amendment propose? To do away with that evil? Why, it proposed that when the local board desired to remove a schoolmaster there was to be an appeal to the Board sitting at Edinburgh. This Board was to go into the whole case against the schoolmaster. There was very great difficulty now in removing a schoolmaster; but he did not see how that was to be diminished by leaving an appeal against the local board to the Edinburgh Board. There were many things to make a schoolmaster obnoxious to the local authorities which could not be properly weighed or taken cognizance of by a Central Board. The schoolmaster might be grossly immoral, and have such peculiarities of temper that children might not go to his school, and yet he might be in the strict sense efficient, and in that case the Central Board might continue him in office against the wishes of the whole parish. The result of this would be to leave them just where they were. As to the establishment of school boards and these other matter of detail, it appeared to him that they might be just as well done by the Commissioners proposed in the Bill as by any permanent Scottish Board, for the establishment of which he did not see any necessity. Then the relations of the two proposed Boards were anomalous and extraordinary. The Scotch Education Board were only to act upon the suggestion of the Privy Council. That was to say that the Privy Council were to throw their shield over the Board, and the Board was to act as a buffer to the Privy Council. Now he did not approve of buffers, and he thought the appointment of a Board for that purpose very objectionable.

Lord KINNAIRD, in reference to the remark of the noble Earl that the Scotch people were almost unanimous in favour of the Bill said, that this statement was scarcely consistent with what had occurred in the other House, for those who had watched the progress of the Bill in the other House well knew that scarcely any proposal made by a Scotch Member was entertained by the learned Lord who introduced the Bill, but was generally met with the threat that if the proposal were adopted the Bill would be withdrawn. He thought that when the Scotch Members went back to their constituents they would find a large majority of them most decidedly opposed to this measure. It was remarkable that the only Amendment carried by the Scotch Members was that for the appointment of Commissioners. That was a sop thrown to those who wished to have a Scotch Board. He regretted that the Members for Scotland should have so disregarded the overwhelming number of petitions which had been presented against this Bill. He protested against the people of Scotland being handed over to the tender mercies of the Education Committee of the Privy Council. That Department almost stunk in the nostrils of the people of Scotland. If this Bill passed, the Code of the Education Department of the Privy Council, which had been effectually resisted for many years, would, no doubt, be forced down the throats of the people of Scotland, and the consequence would be to lower the standard of education in Scotland. The pupil teachers now were not at all equal to the higher class of students in the parish schools. He hoped the Amendment would be pressed to a division, and he should certainly vote for it.

THE MARQUESS OF RIPON said, it was very curious, if the Education Department of the Privy Council was in such bad odour with the people of Scotland as the noble Lord who had just spoken represented, that during the many years in which the Parliamentary grant had been administered in Scotland fewer questions, less difficulties, and less complaints had arisen in Scotland than in England. The noble Duke proposed that the Scotch Board should prepare a Code which was to govern the administration of the Parliamentary grant, and submit that Code for the approval of the Scotch Education Department. Did the noble Duke really think that it would be possible to administer the Parliamentary grant upon such a plan? The noble Duke made no provision for the possible contingency of the Board proposals not being approved. If the necessary sanction were withheld there would be no Code—and if there were no Code there could be no Parliamentary grant. So that if the Scotch Education Department exercised its powers the Board that prepared the Code would be reduced to the position of fifth wheel in the coach. It would lead to irreconcilable confusion if grants in aid of education were given except upon the condition that they were to be administered by persons directly responsible to the Legislature, which would not be the case with the proposed Board. The noble Earl who had last spoken had no great confidence in Commissioners appointed by the Government; but his own proposal was precisely of the same character. If the Scotch people were willing to let a Central Board regulate the construction of school-houses, the removal of masters, the fees, and the subjects taught in every locality, all he could say was that they were much more submissive than the English people — for no such large powers were exercised by the Committee of Council with regard to English elementary schools.

THE DUKE OF ARGYLL appealed to the noble Duke whether he could seriously expect Parliament and the Privy Council to allow a Scotch Board to draw up a Code regulating the expenditure of public money. His experience must convince him that this was out of the question; yet without it the Board would be useless for the main object he had in view, and would in various ways be unworkable.

On Question, whether to insert? their Lordships *divided*:—Contents 81; Not-Contents 70: Majority 11.

Resolved in the *Affirmative.*

Words *inserted.*

THE DUKE OF BUCCLEUCH moved in page 2, at the end of clause, to insert—

> "Heritors shall mean heritors as now qualified to vote in the election of a schoolmaster in terms of the recited Act of the 43rd year of the reign of His Majesty George III., cap. 54."

THE DUKE OF ARGYLL said, that under the present law the right of electing the schoolmasters lay, not in the general body of heritors, but only in those who were heritors to the extent of 100 pounds Scots. It was impossible that the Government could consent to retain this system, which established a purely arbitrary line which the Bill proposed to abolish, and the Amendment proposed to preserve. If the Amendment were adopted, the assessment whence the fund for paying the schoolmaster was derived must be re-imposed upon the heritors in question, notwithstanding that the House of Commons had declared that they should no longer be liable to it. Such a consequential Amendment being a money clause, the House of Commons were not likely to assent to its being inserted by their Lordships' House, and therefore it was clearly impossible that the Government could accept it. One of the great objects of the Bill was to do away with the exclusive liability of the heritors; and therefore the Amendment, by proposing to retain that liability, was directly contrary to the principle of the measure. It would be perfectly possible for rural parishes which paid their own assessment to remain as they were at present under this Bill.

LORD ABINGER said, that whereas his object was to keep matters very much as they were in the rural districts, the object of the Government was to effect a radical change in the constitution of the Scotch parochial schools, to which he was conscientiously opposed.

After some further conversation,

THE DUKE OF RICHMOND said, that, agreeing with his noble Friend (the Duke of Buccleuch) as to the great merits of the present parochial system of education in Scotland, and regretting that the Government had come to the resolution of putting an end to it, he was bound to say that the existing system could be maintained only so long as it stood still. When they came to deal with the matter, and looked it full in the face, he was compelled to come very reluctantly to the conclusion that, admitting that there must be some great change made in the educational system of that country, they could not uphold the parochial system as it now existed side by side with another system; and that the only mode of dealing with the matter was to accept the proposal of the Government for creating school boards in the manner suggested by the noble Duke opposite. The proposal of the Government was not, as was sometimes erroneously stated, the inauguration of a new system of school boards, but merely the alteration of the system which had long existed. Under those circumstances he would recommend his noble Friend behind him not to press his Amendment.

THE EARL OF SELKIRK said, the question was simply whether they would force that Bill on districts of the country where the existing means of education were perfectly sufficient.

THE DUKE OF BUCCLEUCH said, he was conscious of the difficulties, and would not press his Amendment.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 2 (Expenses of Scotch Education Department) *agreed to.*

Clause 3 (Appointment of organizing Commissioners in Scotland to act for three years).

THE DUKE OF RICHMOND moved to omit the clause with a view to insert provisions for establishing a Board to be called "The Educational Board for Scotland," for carrying into effect the Act, such Board to consist of the Lord Advocate and Solicitor General for Scotland for the time being, and three persons to be appointed by Her Majesty, one of the three to be the chairman, and for other purposes.

An Amendment *moved* to leave out the whole clause, and insert instead thereof—

"A Board of Education shall be and is hereby established, to be called 'The Board of Education for Scotland,' for carrying into effect the purposes of this Act; and the Board shall consist of the following persons, namely, the Lord Advocate and Solicitor General for Scotland for the time being, and three persons to be appointed by Her Majesty, by writing under the hand of the Secretary of State for the Home Department, of which last-mentioned persons one shall by the said writing be appointed chairman; Her Majesty shall have power to fill up from time to time any vacancy which may occur by the death, resignation, or otherwise of any of the three last-mentioned persons."—(*The Duke of Richmond.*)

Motion *agreed to; clause struck out.*

On Question? whether those words be there inserted,

THE MARQUESS OF RIPON asked the noble Duke for an explanation of what were to be the functions of the proposed Board in respect to school buildings.

THE DUKE OF ARGYLL hoped the noble Duke would not insist upon an Amendment which would prevent local bodies being the judge of their own school buildings.

THE MARQUESS OF RIPON pointed out that the section of the proposed new clause requiring the Scotch Board to frame a code would cause a great deal of administrative inconvenience. The Code was merely a set of rules in accordance with which the Parliamentary grant was administered, and he could not accept the decision just come to as conclusive, at least upon this point.

THE DUKE OF RICHMOND insisted that education in Scotland should be controlled by Scotch minds thoroughly conversant with the wants of the people. Ireland had its own Board.

THE MARQUESS OF RIPON said, that the Irish Board was appointed during pleasure, and its members could be dismissed if they did not carry out the policy of the Government.

EARL GREY said, he could not suppose the noble Duke desired to create a wholly irresponsible Board. The fact that all civil servants held office during pleasure was a great security for the good administration of the law, notwithstanding the power of dismissal was very rarely exercised and only on great provocation.

Motion *agreed to;* new clause *inserted.*

Then a series of clauses, numbered 4 to 10, forming a complete Code for the constitution and functions of the Board, *inserted.*

Clauses 4 to 19, inclusive, *agreed to,* with Amendments.

Clause 20 (Parish schools).

THE DUKE OF RICHMOND moved to insert in line 30, after ("minister") the words—

("but any decision of a school board with reference to the subjects of instruction, other than religious instruction, to be taught in the school or schools under their charge shall be subject to appeal by any having interest to the Board of Education.")

THE DUKE OF ARGYLL said, he could not accept the Amendment.

THE EARL OF DALHOUSIE also opposed the Amendment on the ground that it would permit anyone to make an appeal, and consequently would throw a great deal of trouble on the Board frequently with reference to the most trivial subjects.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clauses 21 to 26, inclusive, *agreed to.*

Clause 27 (Existing schools to be taken into account).

THE DUKE OF RICHMOND moved, in line 21, after ("therein") to insert—

("provided that no school which is subject to inspection by one of Her Majesty's inspectors of schools shall be required to have its scholars examined by any other person.")

Amendment *agreed to;* clause, as amended, *agreed to.*

Clauses 28 to 34, inclusive, *agreed to.*

The Duke of Richmond

Clause 35 (Transference of existing schools, &c.).

THE MARQUESS OF SALISBURY moved, in page 16, line 7, after ("Board") to insert—

("provided that no school built within thirty years before such proposed transference shall be transferred, if the persons moved defrayed the greater portion of the cost of the building and establishing such school, or their legal representatives, shall object in writing to such transfer. For the purpose of this proviso, the word person shall include a corporation, a body of trustees, or a Government department.")

THE DUKE OF ARGYLL pointed out that the proposal would place serious difficulties in the way of the operation of the Bill, which he thought did all that could be necessary by requiring the consent of the trustees.

THE MARQUESS OF SALISBURY mentioned the case of a school in the metropolis which was founded three or four years ago by persons who desired that it should be entirely used for Church of England teaching. According to the usual forms of the National Society, it was given in trust to the clergyman and the churchwardens; but the clergyman was afterwards convicted of forgery, and the managers transferred the school, in breach of the trust, to the London School Board. He desired by this Amendment to protect such endowments, and prevent their being wrested from the purpose for which they were originally intended.

THE MARQUESS OF RIPON explained that in the case referred to, the transfer of the school was not sanctioned by the Education Department until after there had been an election of new trustees by the subscribers.

THE DUKE OF ARGYLL remarked that every caution had been taken to give the subscribers and all persons interested an opportunity of having their claims fully considered.

THE EARL OF DALHOUSIE also opposed the Amendment, which, he said, would create numerous difficulties, and give rise to a great deal of bad feeling.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clauses 36 to 49, inclusive, *agreed to.*

Clause 50 (School fees).

THE DUKE OF RICHMOND moved, in line 18, after ("be") to leave out to end of clause, and insert—

("payable to the principal teacher in charge of the school, and where there is more than one teacher, subject to such division as may be made by the school board, with a right of appeal by anyone having interest to the Board of Education. The principal teacher shall likewise be entitled to the interest or annual produce of any bequest or endowment for his behoof, and also to not less than two thirds of any parliamentary grant that may be earned in respect of the school under his charge, but where there is more than one teacher, such two thirds shall be subject to division, and the division shall be subject to appeal in manner herein-before mentioned.")

The clause as it stood simply gave the board the option of thus disposing of the fees, but they might also be applied to the reduction of the expenses of the school. The results of the teacher's exertions surely ought to benefit himself.

LORD KINNAIRD said, he had himself an Amendment to much the same effect, and would therefore support the noble Duke's proposition. He thought it very unfair to allow the money earned by the teacher to be thrown into a fund and applied perhaps to another school in the same parish.

THE DUKE OF ARGYLL objected to the Amendment, on the ground that it interfered with one of the great objects of the Bill, which was to establish free relations between the employers and the employed. A large income derived from school fees might be owing, perhaps, not to the high qualifications possessed by the schoolmaster, but to the accident of locality. It must not be forgotten that that and all other educational measures had a tendency to create a monopoly of education in the hands of certificated schoolmasters. Now, the market-price of teachers was rising in a most extraordinary manner all over the kingdom, and therefore the noble Lord need be under no apprehension that the schoolmasters were likely to be underpaid for their services. He had much better leave it to the decision of bargain and sale.

THE EARL OF SELKIRK, on the other hand, thought that the educational labour market was overstocked.

THE EARL OF CAMPERDOWN could see no reason why the Scotch schoolmasters and their employers should not be allowed to make their own bargain.

EARL BEAUCHAMP said, there was at present an enormous demand everywhere for trained schoolmasters. The present monopoly of teaching by the certificated schoolmasters was purely artificial, besides being ridiculous and unjust, and he trusted that before long the noble Marquess opposite would take measures to put an end to it. The only test to be relied on was the efficiency of the school, and it did not matter whether the master was a certificated teacher or not.

THE MARQUESS OF RIPON answered that the existing system had received the approval of those who had given their attention to the subject of education.

LORD CAIRNS said, that the design of the Amendment was that, as a general rule, the school fees should be paid to the schoolmaster. The schoolmaster would thereby be encouraged to exert himself to the utmost, by the knowledge that as the number of children in his school increased so would his salary also increase.

LORD ORANMORE AND BROWNE also maintained that if they took away the fees, they would remove the incitement to better teaching, and so impair the efficiency of schools. His experience both in Scotland and Ireland was that careful teaching was an important element in schools.

LORD COLONSAY recommended the noble Duke not to press the Amendment.

THE DUKE OF RICHMOND said, that under the circumstances he would not press his Motion.

Amendment, by leave of the Committee, *withdrawn.*

Clause *agreed to.*

Clause 51 (Teachers' houses).

THE DUKE OF RICHMOND proposed, in line 25, to leave out from ("during") to ("convenient") in line 29, and insert—

("and it shall be the duty of the school board in every parish to provide a house and garden for the principal teacher of each school in such place as they judge convenient, or to allow a reasonable sum in lieu thereof; the extent of the accommodation to be provided, or the sum to be allowed in lieu thereof, being subject to the approval of the Board of Education.")

THE DUKE OF ARGYLL thought this Amendment was open to the same objection as the last. It was a statutory interference between the school boards and the teachers, and it would also impose an enormous pecuniary burden on many poor parts of the country. The

Amendment was too sweeping, and he trusted that it would not be pressed.

Amendment *negatived.*

Clause *agreed to.*

Clause 52 (Teachers in office before the passing of the Act. Teachers appointed after the passing of the Act.)

LORD KINNAIRD said, the clause proposed that teachers appointed after the passing of the Act should be appointed during pleasure by the school boards, who should also assign to them their salaries and emoluments. He proposed the addition of a Proviso, to insure that there should be at least one school in each parish giving instruction in the higher branches of education, and that the principal teacher of that school should have a salary of not less than £35 a-year.

An Amendment *moved,* in page 21, line 40, leave out from ("fit") to end of clause and insert—

("Provided always, that in every parish there shall be at least one school affording the means of instruction as heretofore in the higher as well as in the elementary branches of education; the principal teacher of which school shall, unless in the special circumstances of the parish the Board of Education shall otherwise determine, receive from the school board a salary from the rates of not less than   per annum.")—(*The Lord Kinnaird.*)

THE DUKE OF ARGYLL said, this Proviso would oblige every parish, however small or however poor, to provide a salary of £35. It would be better if the Bill settled only the machinery for providing education, and left the parishes to act for themselves.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 53 *agreed to.*

THE EARL OF AIRLIE moved the addition of a new clause to follow Clause 53—

"Public examiners shall be appointed by the Department from time to time for the examination of such persons as desire to obtain certificates of competency as schoolmasters, and, in addition to the examiners appointed by the Department, one examiner shall be appointed by the University Court of each University and one by the Educational Institute of Scotland."

He considered some such provision as this necessary. At the same time, he did not desire to interfere in any way with the powers invested in the Privy Council.

THE MARQUESS OF RIPON objected to the clause. It appeared to him that this was a matter which ought to be left to the discretion of the Scotch Education Department, and that they ought not to lay down an inflexible rule from which there could be no variation. Under the proposal of the noble Earl, too, a schoolmaster having worked for years successfully in England would, if he desired to become master of a school in Scotland, have to undergo a fresh examination. It would be much better to leave the matter as it stood in the Bill.

THE DUKE OF ARGYLL was also of opinion that the clause, if adopted, would cause great embarrassment.

On Question? Their Lordships *divided:* —Contents 34; Not-Contents 36: Majority 2.

Resolved in the *Negative.*

Clauses 54 to 56, inclusive, *agreed to.*

Clause 57 (Removal of teachers appointed before the passing of the Act.)

LORD ABINGER moved an Amendment, to the effect that a schoolmaster who thought he had been wrongfully dismissed might appeal to the Sheriff of the county, whose decision should be final, and that such appeal might be disposed of summarily by the Sheriff on the charge and note of evidence, which it should be the duty of the school board to transmit within 10 days after intimation of the appeal; also that the provisions of the clause should apply to all schools commonly called Parliamentary schools.

THE DUKE OF ARGYLL objected to the clause.

LORD ABINGER said, he would withdraw it in favour of the new clause, of which his noble Friend (the Duke of Richmond) had given Notice.

Amendment (by leave of the Committee) *withdrawn.*

THE DUKE OF RICHMOND moved to omit the clause and insert—

"The principal teacher of a public school, whether appointed previously or subsequently to the passing of this Act, may be removed from his office in manner following; that is to say—

"(1.) It shall be lawful to the school board of any parish or burgh to make a complaint in writing to the sheriff of the county in which the school is situate, charging the schoolmaster with immoral conduct or cruel or improper treatment of the scholars under his charge, and specifying in such complaint the particular acts in respect of which the complaint is made; and a copy of such complaint shall be served upon the schoolmaster, who shall be required on an induciæ of eight days to appear before the sheriff to answer to the said complaint; and the schoolmaster shall, if he deny the charge, and if he think fit, answer the particulars of the complaint in writing, or may, when the cause comes to be tried, state his plea to be Not Guilty; and the sheriff shall thereafter proceed to the trial of the complaint, and take the evidence, in the same way as and under the same rules as those which are in force in the Sheriff Court in regard to process in civil causes; and in the event that he shall find such complaint or any material and relevant part thereof to be proved, the sheriff shall give judgment accordingly, and pronounce sentence of deprivation, which sentence shall be final, and not subject to review.

"(2.) If the school board having the management of any public school shall consider that the principal teacher thereof is incompetent, unfit, or inefficient, they may apply to the Board of Education to require a special report thereon from Her Majesty's inspector for the district; and on receiving such report the Board of Education may if they see cause remove such teacher from office; provided that before proceeding to give judgment on the matter they shall furnish to the teacher a copy of such report."

THE DUKE OF ARGYLL objected to the clause, on the ground that it would apply to the old as well as the new masters, and also to all schools.

THE EARL OF DALHOUSIE said, he wished to see a more easy and economical way proposed of getting rid of schoolmasters than existed under the Act of 1851. He gave an instance of a case where the cost of this process was no less than £500, which amount was charged on the county rates. It could hardly be expected that parishes would seek to remove such unfit schoolmasters at such a cost.

On Question? Clause *struck out;* and new clause *inserted,* with Amendments.

Clauses 58 to 64, inclusive, *agreed to,* with Amendments.

Clause 65 (Conscience Clause).

THE DUKE OF RICHMOND moved to omit the words—

"In every such school the secular instruction on each ordinary school day shall be continuous during four hours at least, without prejudice to any reasonable interval for recreation, and no instruction in religious subjects shall be given and no religious observance shall take place, except before the commencement and after the termination, or before the commencement, or after the termination, of the elementary secular instruction of the day, and the time for any instruction in religious subjects, and for any religious observance in a school,"—

and insert instead thereof—

"The time or times during which any religious observance is practised or instruction given in religious subjects is given at any meeting of the school for elementary instruction shall be at either the beginning or at the end, or at the beginning and at the end of such meeting, and."

These were the words of the Conscience Clause of the English Act. This was the clause in the English Act, which had worked for nearly two years, and, as the most rev. Prelate had testified, had acted satisfactorily. He wished to give four opportunities of religious instruction instead of two, and to get rid of the requirement of four hours' continuous secular instruction.

THE EARL OF DALHOUSIE hoped that the noble Duke in charge of the Bill would accept the Amendment. It was much better than the Government proposal, which would be very inconvenient in the rural parishes.

LORD KINNAIRD also hoped the Government would agree to the Amendment.

THE DUKE OF ARGYLL said, it was the very farthest from the intention of the Lord Advocate in drawing up this clause to place greater restrictions upon religious education in Scotland than was the case in England. After the expression of opinion which had fallen from their Lordships, he would accept the Amendment.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 66 (Parents to provide elementary education for their children, and when unable to pay fees to apply to school board).

LORD ABINGER moved in line 28, to substitute "school board" for "parochial board." The object of his Amendment was to provide that the schoolpence of children whose parents did not pay for their education should be supplied, not out of the poor fund of the parochial board, but out of the school fund of the school board.

THE DUKE OF ARGYLL hoped the House would not assent to the proposed alteration in the clause.

THE DUKE OF RICHMOND also opposed the Amendment.

LORD COLONSAY said, he did not object to the parochial board ascertaining what parents really were unable to pay for sending their children to school; but he did object to the education of such children being paid for out of the poor fund. The class of persons now in question were not paupers, and the education of pauper children was already provided for.

LORD LYTTELTON said, that a pauper was a person who could not pay for the necessaries of life for himself or his children, and they would never place the matter upon a right footing until education was treated as a necessary of life for a child. A man who could not afford to pay for his child's education was practically a pauper.

LORD COLONSAY entirely dissented from that doctrine.

Amendment (by leave of the Committee) *withdrawn.*

LORD ORANMORE AND BROWNE said, he should move to omit this clause, and also Clauses 67, 68, 69, and 70 (the compulsory clauses), in order to insert the 74th section of the English Elementary Act. It was a question, first, whether they should make secular education compulsory, and, secondly, whether they should apply that principle in a more penal manner to Scotland than it was applied to this country. In the English Act the compulsory principle had only been applied by the vote of school boards, and the penalty was very light. The present Bill made compulsory education statutory, and the penalty much heavier. He would be glad to learn that education had produced the practical benefits that were foretold by its advocates when it was first supported by public grants—namely, diminution of drunkenness and crime. He feared it had not produced those results, and was far from being a panacea for all evils, and therefore he thought such penal clauses as these unjustifiable.

THE MARQUESS OF RIPON said, the clauses in the Bill had been framed to suit a country where a school board was established in every parish, and would answer better than the clause in the English Act.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Clause 67 (Defaulting parents may be proceeded against by the procurator fiscal on certificate from the board).

Clause amended by reducing the penalty on parent for not sending his child to school from 40 shillings to 20 shillings.

Clause, as amended, *agreed to.*

Clause 68 (Method of procedure) *agreed to.*

Clause 69 (Employers of children shall be deemed to undertake the duty of a parent, but parent not thereby exempted from liability).

LORD ABINGER moved to omit the clause.

THE MARQUESS OF RIPON said, many persons preferred this mode of securing attendance to direct compulsion.

Clause, inclusive, *agreed to.*

Clauses 70 to 73, inclusive, *agreed to.*

Clause 74 (Teachers appointed under this Act not subject to provisions of 9 & 10 *Vict.*, c. ccxxvi.).

LORD KINNAIRD moved to omit the clause and substitute new Clause (This Act not to affect Schoolmasters' Widows' Fund Act, 9 & 10 *Vict.* c. ccxxvi.).

THE DUKE OF ARGYLL said, the clause in the Bill and the noble Lord's clause both aimed at the same thing. He promised to see whether there was any legal flaw in the clause, and state the result on the Report.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Remaining clauses *agreed to,* with Amendments.

Schedules *agreed to.*

Preamble.

THE DUKE OF RICHMOND expressed his conviction that the Bill ought to contain some recognition of religious teaching. He did not propose any enacting clause on the subject, nor would he suggest that any particular course should be dictated to the school boards or the managers of the schools. Believing, however, that the principle ought to be recognized, he would move the insertion, after line 20, of the following words:—

("And whereas it has been the usage in Scotland, sanctioned by legislation, to make provision for religious instruction in public schools as an essential part of education, and it is desirable in extending the system of education to afford means for continuing such religious instruction to all children whose parents do not decline it on conscientious grounds.")

THE EARL OF DALHOUSIE said, that there was no one who had taken a prominent part in this measure who had not been denounced in different parts of Scotland as worse than an infidel for supporting a Bill in which no provision was made for religious teaching. Those denunciations were entirely unjustifiable, because there was no man who had supported the Bill who was not anxious to maintain the use and wont of Scotland—namely, that religion should form part of the education in the schools—and there was no man to whom he had spoken on the subject who would not reject the Bill if he thought that religious education would be excluded under its provisions. The mode, however, in which the noble Duke (the Duke of Richmond) proposed to recognize this religious teaching was much the same as if in a Mutiny Bill he were to insert a declaration recognizing the bravery of the British Army. It started, too, with a proposition which was incorrect; for he (the Earl of Dalhousie) utterly denied that legislation had ever given the smallest sanction to the teaching of religion in the parish schools of Scotland. He would challenge his noble and learned Friend opposite (Lord Colonsay) to put his hand upon a single clause, in any Act of Parliament from the reign of James IV. to the present time, in which it was enacted that religion in any shape should be taught in any school in Scotland. If the noble Duke would consent to strike out the words "sanctioned by legislation," there could, he thought, be no objection to the Amendment.

LORD COLONSAY was understood to say, that although the Scottish Parliament had never adopted any measure containing any express enactment on the subject, the importance of religious teaching in the schools had been frequently recognized by the Legislature.

After a few words from Lord LYTTELTON,

THE DUKE OF ARGYLL said, there was one point in which he thought his noble Friend opposite (the Duke of Richmond) would agree with him—namely, that in regard to all questions dealing with religion we ought to act with perfect sincerity both to ourselves and to others. Now, his complaint against the proposed Amendment to the Preamble was that it was not entirely sincere. Without entering into the question as to whether or not previous legislation had directly sanctioned religious teaching in Scotland, there could be no doubt that legislative sanction had been given to it in the indirect sense referred to by his noble and learned Friend (Lord Colonsay). But how was it given? It was given, first of all, by the terms of a Preamble, which went much further than anything now suggested; for under the earlier Acts of the Scottish Parliament no one was allowed to teach in any college, school, or private house in Scotland who did not belong to the Established Church, whichever that happened to be at the time. In those days legislators did not understand the doctrine of toleration; and whichever Church had the upper hand—whether Presbyterians or Episcopalians—they would not allow anyone to teach in schools, colleges, or private houses who had not the sanction of the Presbyteries or of the Bishops, as the case might be. Only in that sense was religious teaching sanctioned by legislation. He argued that the same principle should apply now. In his judgment, we ought to trust for religious teaching in the confidence we reposed in the management of the schools by the local authorities; and he believed religious teaching would be continued in Scotland by the local boards just as much as if the matter were left in the hands of Presbyteries or Bishops. The Legislature formerly defined no religious instruction and indicated no religious books whatever, but simply trusted in the managing Bodies of the schools, which at that time were always closely connected with the Church of the country. This state of things had, however, passed away. We had to deal with another state of things, and he would appeal to the friends of religious education in Scotland to accept the same security as had satisfied the friends of religious education in this country. To the second part of the Amendment he strongly objected, because it stated this was a Bill to afford means for continuing religious instruction to all children whose parents did not object to it on conscientious grounds. This was an inaccuracy, for the Bill afforded no means for religious instruction. There was nothing in the Bill to prevent a school board from setting up a secular school, and noble Lords opposite had not moved an Amendment to prevent their doing so. Therefore the words of the present Amendment were not strictly accurate, and the Preamble, if amended as proposed, would be simply a red rag held out to a bull. What use could there be in inserting words which would be practically useless, and which were clearly inaccurate?

Lord CAIRNS said, he was sorry to hear the noble Duke compare the recognition of religious teaching to the holding out of a red rag to a bull. If there was any insincerity—which he denied—in the Amendment proposed to the Preamble, there was insincerity in every word of the noble Duke's speech on the second reading—because the burden of that speech was that means were afforded by the Bill for continuing religious instruction in Scotland according to "use and wont."

The Duke of ARGYLL said, he had stated that no obstruction would be thrown in the way of giving religious instruction.

Lord CAIRNS said, he put a plainer and simpler construction on the words, and maintained that when, in enlarging our system of education, we threw no obstruction in the way of continuing the useful work which had hitherto prevailed, it was correct to say that we afforded means for continuing that work. He contended that every word of the Amendment to the Preamble was strictly accurate; and, moreover, he affirmed that legislation had sanctioned religious teaching in Scotland. The statute of 1657 had in its Preamble the words—"Inasmuch as by all laws and constitutions it is provided that a youth be brought up in the fear of God and good manners." Was not that legislative sanction? The noble Duke opposite might call it indirect sanction; but it was direct sanction, clearly enough. The whole burden of that Act, its very foundation, was that there ought to be religious education in schools. Then the Act of 1861 also provided that the schoolmaster should make a declaration that he had conformed his teaching to certain formularies, not only of the Holy Scriptures, but would conform to the formularies admitted by the Kirk of Scotland. He was therefore amused to hear the noble Earl opposite (the Earl of Dalhousie) say that by no statute had the Legislature of Scotland sanctioned religious teaching. The words "afford means" in the Amendment left the matter of religious teaching open to all. There were many legislators who wanted to shut the door altogether against religious teaching. To that noble Lords on his side of the House, at any rate, most strongly objected. They wished to afford means. They desired to declare that those means were afforded, provided that local boards desired to make use of them, subject to the Conscience Clause. He hoped, therefore, Parliament would make their intention clear by adopting this Amendment.

The LORD CHANCELLOR said, he thought the interpretation their Lordships had just heard was a very far-fetched one, for the purpose of introducing the words "afford means" into the Preamble. The funds which would be raised by this Bill would be applied to the general purposes of education in schools, and there would be no obstruction to the imparting of religious instruction in schools. Therefore, tde Bill coulh not be fairly described as a Bill which would prohibit the imparting of religious instruction in schools, and he, for one, should be extremely sorry to vote for the Amendment.

The Duke of ARGYLL said, that the Act of 1861 was the first statute that wholly dissevered the State from all connection with religious teaching. Before then every schoolmaster had to sign a confession of faith that he was a member of the Established Church, and the Act of 1861 liberated them from the necessity of so doing; and now any person, no matter what his religion was, if otherwise qualified, might be elected a schoolmaster, but with the proviso that he was not to attack the Bible or Shorter Catechism. He admitted that the words as read by his noble Friend opposite would appear to bear the construction he had put upon them; but this did not apply to doctrine, but to the declaration the schoolmaster made.

Viscount STRATFORD DE REDCLIFFE supported some declaration of religious teaching, which, in his opinion, should lie at the bottom of all education, and with that feeling he should support the Amendment of the noble Duke. It was of the utmost importance that Parliament should make such a declaration as that proposed.

The Earl of DALHOUSIE said, if a parochial teacher were at this moment to decline the use of the Bible, or to teach the Shorter Catechism in his school, there was no Act of Parliament under which he could be punished.

On Question, whether to insert? Their Lordships *divided:*—Contents 53; Not-Contents 32: Majority 21.

Resolved in the *Affirmative.*

Words *inserted* accordingly.

Preamble, as amended, *agreed to.*

The Report of the Amendments to be received on *Tuesday* next, and Bill to be *printed,* as amended. (No. 210.)

House adjourned at Twelve o'clock to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 12*th July,* 1872.

MINUTES.]—SUPPLY—*considered in Committee* — Committee R.P.

PUBLIC BILLS — *Second Reading* — Consolidated Fund (£8,000,000) *.

Committee—Public Health (*re-comm.*) [215], *debate adjourned;* Pawnbrokers (*re-comm.*) * [233]—R.P.

Committee — *Report* — Bastardy Laws Amendment [109].

Report — Wild Birds Protection * [205-247]; Railway Rolling Stock (Distraint) * [116-248].

Considered as amended—Metropolitan Tramways Provisional Orders Suspension * [219].

Withdrawn—Salmon Fisheries (No. 2) (*re-comm.*)* [178].

The House met at Two of the clock.

IRELAND — GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH.—QUESTION.

MR. MITCHELL HENRY (for Mr. BUTT) asked the First Lord of the Treasury, Whether he will give precedence to his Motion relative to Mr. Justice Keogh on Monday the 22nd instant, or on any other early day?

MR. GLADSTONE: Sir, I must distinguish between what relates to the Motion of the hon. and learned Member (Mr. Butt) and the general subject. I cannot undertake to give precedence to the Motion of the hon. and learned Member over other Motions of which Notice has been or may be given by other Members. I must leave them to fair and free competition among themselves. But I may repeat what I have already stated to the House. We shall be prepared at a proper time to name a day when the general subject may be discussed; but with due consideration, however, to the general convenience, we cannot fix that day until the House has gone into Committee on the Public Health Bill and the Licensing Bill. ["Oh, oh!" and *Laughter.*] If any hon. Gentlemen opposite are able to get through two or three things at once, they may be able to meet the general convenience of the House a great deal better than I can pretend to meet it; but as I lie under the unfortunate limitation of being able to do no more than one thing at once, I must, with great respect for my hon. Friends who laugh, try to arrange Public Business for the general convenience upon that footing. The whole evidence, moreover, in the Galway Election Case has not yet been delivered, but I believe it will be delivered to-morrow. We shall then consider whether it will be desirable in the public interest that we should submit a Motion of our own upon the subject; and, if not, we will take care that a day is provided when other hon. Gentlemen will have an opportunity of inviting the attention of the House to the subject.

MR. MITCHELL HENRY asked when the Government would be likely to come to a conclusion? Some notice to the Irish Members would be necessary, as the majority of them were absent in Ireland.

MR. GLADSTONE said, of course, it was necessary to consider the Irish Members. He hoped, however, the discussion might take place on Thursday week.

IRELAND—THREATENING LETTERS.

QUESTION.

SIR THOMAS BATESON asked the First Lord of the Treasury, Whether he is aware that Sir Arthur Guinness has been threatened with death unless he sends an apology to the Freeman's Journal, for venturing to correct the editor of that newspaper on a matter where he had been in error relative to the Dublin Exhibition, with a further demand for a handsome subscription to Captain Nolan's Fund, or the consequences? The Question was based upon the following letter which had appeared in *The Times* :—

> "Guinness,—We are ordered to inform you that an Orange whelp like you insulted our clergy's and peoples newspaper last week, as if any one cared about you or the infernal Exhibition, and unless you send a appology to *Freeman's Journal,* and likewise give a hanson subscription to Capton Nolan's fund before a week, your life is not worthe a month's purchase, for we will send you a bullet, as well as that scoundrel Keogh, as we have a person hired to shoot you and him and no mistake, so take warnin in time."

He asked the right hon. Gentleman to look at a photograph publicly sold in the streets of Castlebar, and representing the effigy of Mr. Justice Keogh.

MR. GLADSTONE: Sir, I have complied with the request of my hon. Friend to look at the photograph. We have no official report of the threatening letter addressed to Sir Arthur Guinness; but if the letter is made known to the Irish Government it will become the subject of inquiry in due course, as is the case in Ireland with reference to threatening letters generally, which are unfortunately rather characteristic of the mode of carrying on Public Business in that country. Meanwhile, I may express my sense—and it is rather a strong sense—of the imprudence of making these threatening letters the subject of distinct notice here. I know that my hon. Friend's object is an excellent one. It is that public indignation may be drawn towards the authors of these letters, and that the ministers of the law and the Executive Government may be stimulated, if they require it, to diligence in discovering them. But it appears to me that any good done in this way is more than counterbalanced by the evil caused by the notoriety given to these unworthy productions, which is more than anything calculated to flatter those who write them and encourage those persons to write more. I am sorry they should be honoured with the notice given to them on this occasion.

IRELAND—SUPERANNUATION ALLOWANCES—VALUATION DEPARTMENT.

QUESTION.

THE O'CONOR DON asked the Secretary to the Treasury, Whether he is willing to reconsider the decision he arrived at relative to the diminution of the superannuation allowances to be made to certain officers removed from the Valuation Department of Ireland in October 1870?

Sir Thomas Bateson

MR. BAXTER said, that circumstances had come to his knowledge which rendered it desirable to reconsider the decision arrived at relative to the diminution of the superannuation allowances referred to in the Question of the hon. Member for Roscommon.

ARMY—TROOP SERJEANTS OF YEOMANRY AS MUSKETRY INSTRUCTORS.—QUESTION.

MR. A. EGERTON asked the Secretary of State for War, If Troop Serjeants of Yeomanry who hold the Hythe certificate as Serjeant Instructors of Musketry are entitled to twopence a-day additional pay, which is allowed to Serjeants in the Rifle Volunteers under similar circumstances?

MR. CARDWELL: In 1870, the Westley-Richards carbine was given to the Yeomanry, and the adjutants and one serjeant of each regiment were sent to Hythe; and since that time all the regiments which had access to ranges have gone to the targets, but no addition has been made to the pay of the serjeants. All these questions, however, will come under review in considering the new arrangements.

ASHTON-UNDER-LYNE—CONDUCT OF THE POLICE.—QUESTION.

MR. MELLOR asked the Secretary of State for the Home Department, Whether his attention has been called to proceedings against a publican, the landlord of the "White Bear" Inn, at Ashton under Lyne, where two police officers in plain clothes entered the said public house on Sunday the 16th of June last; and, if so, whether he considers the proceedings on that occasion justifiable; and, if not, whether he will take the steps necessary to ascertain at whose instance, by whose orders or directions, and at whose cost such proceedings were instituted and carried on?

MR. BRUCE said, he had heard nothing of any proceedings of the police against a publican at Ashton, and it was impossible for him to say whether the police had acted illegally on that occasion; but he would suggest that if they had acted improperly, complaint should be made to the chief constable and justices at Ashton. The Secretary of State had no authority whatever over the local police.

METROPOLITAN BOARD OF WORKS—BUILDINGS ON THE THAMES EMBANKMENT.—QUESTION.

DR. BREWER (for Mr. BAILLIE COCHRANE) asked the First Commissioner of Works, Whether the Government will interfere to prevent the erection of any building on the plot of ground adjoining the Metropolitan Station' as may be injurious to the beauty of the Embankment and destroy the view of the Houses of Parliament?

MR. COLLINS: Before the right hon. Gentleman answers the Question, I should like to ask him whether the Government has any power to interfere with property that does not belong to them?

MR. AYRTON: Perhaps, Sir, the House will allow me to explain what has really taken place in reference to this piece of land, as to which there seems to be some misapprehension, in consequence of the answer the other day of the Chairman of the Metropolitan Board of Works. This land was vested formerly in Her Majesty's Commissioners of Public Works and Buildings, as belonging to the trust for Westminster Bridge. On the 22nd May, 1868, a contract was entered into by the Commissioners, and the Hon. G. Noel and Mr. H. Whitmore (two Commissioners of the Treasury), and the Metropolitan District Railway Company, by which this land was sold to that Company for the sum of £50,525, and vested in them as their property absolutely, with one qualification. That contract was scheduled to an Act of Parliament passed in 1868, and was thereby confirmed. The qualification is, that the Commissioners, or the First Commissioner—I forget exactly which—shall be at liberty, or shall be required, to exercise the right of approving of the elevation of any building which might be constructed on that land; but the contract equally assumes that the Company, having paid such a large sum for the land, is entitled to prescribe the plan on which the building shall be erected, namely—as I understand it—the area which it shall cover. The elevation was submitted to me some time ago of the building proposed to be erected. It was extremely lofty, and appeared to me to eclipse the Houses of Parliament by its imposing nature. The question then arose as to the nature and extent of my powers. The Company insisted that my powers were nominal, and were confined to the right of criticizing the beauty of the front of the elevation; so that, if I did not think it beautiful enough, I might prescribe that more ornaments should be introduced. I objected to that view of my powers in the matter. The architect insisted that I should come down and contemplate the beauty of his design, as he felt sure that if I did so I should be satisfied with it. Well, I came down, and I argued the matter with the architect, and I believe I succeeded in convincing him that, as a mere question of architecture, he had better withdraw the plan for the reasons which I stated. That being so, I believe that those who are interested in the matter have undertaken to revise the elevation in point of height, and probably, also, in point of decoration; but I rather eschew for myself the function of regulating the decoration of the building. I thought the "elevation" also meant the height of a building; and that what I had to do was to see that the building did not eclipse the Houses of Parliament. I will venture to say this much—that I will consent to no building being erected which would be higher than the Houses of Parliament. The legal advisers of the Company deny that I have the right to do so much; but I have told them I shall be happy to facilitate their going into a Court of Law to try that point if necessary. I believe that the owners of the property in question have proposed a new elevation, and when I have received the designs I shall give them the best consideration in my power. Further than that I am afraid I have no authority to interfere. I need hardly say that I have received no instructions from the Government to re-purchase the land.

PARLIAMENT—BUSINESS OF THE HOUSE—CLOSE OF THE SESSION.

QUESTION.

COLONEL WILSON-PATTEN wished to ask his right hon. Friend at the head of the Government, Whether he will, now that we have arrived at the 12th of July and that there are a great many Government Orders of the Day on the Paper, inform the House with what Bills he intends to proceed, and which are those he intends to abandon? It would be a great convenience to hon.

Members generally to have information on that point?

MR. GLADSTONE said, he would do his best to ascertain before Monday evening from the different public Departments what were the Bills with which they deemed it necessary to proceed. He hoped if the Government acted in a patriotic spirit in the matter, they would be met in a corresponding spirit by private Members, who, he hoped, would be prepared to give similar information with respect to the measures in which they were interested. He should be glad, he might add, to learn from his right hon. Friend whether there were any particular Bills which were more likely than others to keep hon. Members in town, in order that he might take the opinions of the Departments with respect to them.

COLONEL WILSON-PATTEN believed greater anxiety was felt about the Thames Embankment Bill than almost any other.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

LORDS' AMENDMENTS.

CONSIDERATION OF LORDS' REASONS.

Order of the Day for the Consideration of the Lords' Reasons read.

Lords Amendment and Reasons for disagreeing to one of the consequential Amendments made by this House to the Bill, and for insisting on certain Amendments to which this House hath disagreed, *considered.*

MR. W. E. FORSTER: Sir, I think I shall be saving the time of the House if I, as briefly as possible, state the course which the Government propose to ask the House to take with respect to the questions as to which there is still a difference between us and the other House of Parliament. I will allude, in the first instance, to the question of the polling-places. With regard to that point, the Lords substituted two miles instead of four miles as the distance for which polling-places should be provided, and they also struck out the provision enabling school-rooms to be used as polling-places. We disagreed from them with respect to both those Amendments, and upon consideration they did not insist on their Amendments on Clause 6, with regard to the two miles, nor did they insist on striking out the clause with reference to schools, but they sent it down to us with an Amendment to which I cannot ask the House to assent. The Lords propose to introduce the words, "and make good any loss of fees or Parliamentary Grant." Now, the effect of the Amendment would be to throw on the candidate the loss of the grant. The other House seem hardly to have considered how difficult the working of their Amendment would be, and that the probability was it would turn out to be delusive. But if it were possible to prove the loss of the grant, then the unfortunate candidate would have to suffer the whole of the loss—perhaps £100 or £150, for which sum he could hire all the assembly rooms in the town. This seemed to Her Majesty's Government to be a matter about which it should not ask the House to take up its time; and on the other hand, there was a majority in the one House quite as large as the hostile majority in the other. Under these circumstances we have thought that the Education Department must step in and solve the difficulty. I think we must alter our Code so as to provide that when a school-house is used as a polling-place, neither masters nor pupils shall lose by the electoral interregnum. While, therefore, I deem it right to ask the House to disagree from this Amendment, my noble Friend the President of the Committee of Council and myself will introduce into the Code at the earliest time an arrangement to the following effect:—

> "If a school is employed as a polling-place under section of the Act, 1872, the number of meetings during which the managers are deprived of the use of it solely in consequence of its being so employed may, if necessary, be counted in making up—1, the 400 meetings of the school required by this article; 2, the 250 attendances of any scholars who were in attendance at the school the week before it was occupied for election purposes."

We, of course, take it for granted that the children would have attended. I confess I make the concession with reluctance, because I object to any interference in the education of children; but the interruption will take place only once in three or four years, and there will, at any rate, be this advantage, that the children will associate a holiday in the performance of an important public duty. I now come to more important matter—namely, the position in which the question of the Ballot now stands. The House is aware that the Lords, when they first considered the Bill, made five alterations in it. They first inserted a scrutiny, but without any safeguards; secondly, they introduced the Optional Ballot; thirdly, they weakened, neutralized—in fact, made altogether useless—the clause inflicting penalties on the violation of secrecy. They allowed one voter to interfere with another whilst the latter was giving his vote, and permitted the presiding officer to obtain information as to how the elector had voted, and to give that information to anyone he pleased. In addition, the Lords struck out the declaration before a magistrate to be made by the illiterate voter, and substituted a declaration before the presiding officer, who was to take, and in this way to discover, his vote. When considering this alteration the House must bear in mind that by striking out Clause 4 all power of enforcing secrecy on the Returning Officer was lost. The last provision introduced by the Lords limited the duration of the Ballot Act to the 31st December, 1880. We accepted the scrutiny with certain safeguards, and we disagreed from all the other Amendments. The position is now this—that the Lords have accepted all our safeguards with regard to the scrutiny. They disposed of the Optional Ballot by a majority larger than that by which it was originally adopted in a House which I am told was the largest since the first Reform Bill. They also unanimously restored the penalty provisions in Clause 4, a matter which I look upon as being almost as important as that of the Optional Ballot. There are, therefore, as regards the Ballot, only two questions between this House and the House of Lords—the position of the illiterate voter, and the expiration of the Act in 1880. Now, although, on the one hand, I must be allowed with great respect to the other House to say that, while I regard the details as well as the principle of this Bill as matters which very much concern the House of Commons, and though I think these are both points of importance, but nothing like the importance of the others, and should have been glad if they had been retained in the Bill; yet, on the other hand, I am prepared to take the question as it actually stands, and though the Government would certainly have thought that the introduction of the Optional Ballot, or the striking out the provision with regard to secrecy, so injurious to the operation of the Bill that we could not proceed with it, and must have subjected the House and the country to the trouble of re-considering the question, though fully alive to the inconvenience of such a course, yet we do not feel that the two points in discussion between us and the other House would justify us in preventing the measure from going on, and subjecting the country and the House to all the inconvenience of having to give its opinion over again on the machinery of a fresh Ballot Bill. If we had insisted on these Amendments, I do not believe, looking back at the experience of previous differences between the two Houses, that the Lords would have acquiesced. I propose to amend the Lords' Amendment as to the illiterate voter, nor do I think that their Lordships will insist on it as it stands. The original provision was, that the required declaration should be made before a magistrate; but the House of Lords substituted a simple oral declaration to the presiding officer. We do not think that that would be sufficient, and we thought it highly probable that a voter who had been bribed or intimidated would have very little difficulty of saying, under such circumstances, that he could not write. We have thought it desirable that there should be some record of his declaration, and that the document should be kept, in order that we might know the extent to which votes were of that description, and that it should be ultimately lodged with the Clerk of the Crown. We could not deny, however, that there might be some truth in the assertion that there were parts of the country—and especially in Scotland and Ireland, in which the illiterate voter might be placed in some difficulty in distinguishing his candidate; and there were, besides, many staunch friends of the Ballot who feared that sometimes magistrates might be partizans, and be likely to take one side or the other, and that some voters might have an objection to going before such magistrates, and being questioned as to their votes. Taking all these things into consideration, we have made a concession to the House of Lords, and propose to accept a declaration made before any registered elector of the county or borough, so as to secure that some record may be kept of the declaration. The only other point remaining in dispute was the limitation of the Act to 1880, and on that point I must candidly say that I am very sorry that Amendment has been introduced. I cannot but think it will be found inconvenient by those who may have to reconsider the subject at the time appointed, and it may be inconvenient to the very party by whom it was introduced; but we do not think that that is a point which we can ask the House to contest with the House of Lords. I can only say that I believe that England, like other countries, having once got the Ballot will never for a moment think of getting rid of it. I do not fear the result of this temporary provision, and I think it will be the means of affording an opportunity to those in different parts of the House who had opposed the Ballot of coming forward and frankly declaring that they were mistaken. I believe this will be especially the case with the Conservatives; for I have always felt that the Ballot would prove in the best sense of the word Conservative. The noble Lord who moved the Amendment said it would give time for two General Elections, but an influential organ said this morning that it was very doubtful whether it would do so. I have therefore looked back, and I find that there has not been a decade since 1800 in which there has not been at least two elections. [A Voice: We have not had one this decade.] We have not had one, but probably we shall have within two or three years. There is one other ground on which I think we may concur in the proposal of the House of Lords. Though we are prepared to abide by the principle of the Ballot, yet there may be some details which we may find on experience will admit of amendment. I must not be supposed to be indulging in over candour in making that statement, for I must express my conviction that this measure, which is substantially the same measure as we brought in, will work as well as any Ballot Bill which has ever been proposed. It is the Victoria Ballot, and though I should have preferred the South Australian, yet in Victoria the Ballot works uncommonly well and I hope it will work well here. The principle has been acknowledged, and the details will be improved, because it is impossible but that the measure should require some alteration. Hon. Members must be aware of the difficulty of framing perfectly a Bill embodying a great principle, but which must be worked through an endless variety of details, any one of which evokes differences of opinion. I will not, however, detain the House with what I trust will be my last remarks upon the Ballot Bill; it will save time if we now proceed to consider the Amendments in detail.

Mr. OSBORNE MORGAN said, he was glad the Government were prepared to take the course which they had just announced, and he felt sure that when the country got the protection of the Ballot, it would not part with it. He looked forward to the measure working so well that the staunchest Conservative would become in 1880 the most earnest supporter of the Bill. Indeed, he expected long before that date the right hon. Member for Buckinghamshire would at some future Conservative banquet at the Crystal Palace claim the merit of being its real author. He regarded the Amendment respecting the illiterate voter as unimportant, for he felt sure that very few men would be found to declare that they were such fools as to require their voting papers to be filled up for them. Hon. Members must not forget that the House of Lords had had a great deal to swallow in reference to this Bill, and he could not help thinking that the Commons had got the best of the compromise. They had the substance, and the Lords had the shadow. On his own part, and on the part of the district which he represented, he thanked the Prime Minister and his lieutenant for the skill, judgment, and courage they had exhibited in steering the Bill through the sunken rocks and quicksands which everywhere lay in its path.

Mr. YORKE said, that if the Bill had been first introduced in the Lords, there might have been some foundation for the remark that the consideration of the machinery for electing Members to Parliament was more the business of the House of Commons than the House of Lords; but the people ought to look as much to the Lords as to the Commons for providing that proper liberty should be given them in recording their votes. The right hon. Gentleman proposed that the declaration by the illiterate voter should be made before any registered elector in a county or borough. Now, the declaration, as previously proposed, had at the least the value of being an official act; but could the same thing be said of a declaration made before any registered elector?

MR. W. E. FORSTER said, it would be a declaration handed to the presiding officer, and by him transmitted to the Clerk of the Crown, and the method of doing which he would subsequently explain.

MR. YORKE supposed this provision would cause an addition to be made to the penalties of the Bill. He was glad the Government had assented to the other Amendment of the House of Lords limiting the duration of the Bill to 1880. As the opinion of this country was undergoing a rapid change, and reaction was setting in against the principle of the Ballot, that Amendment was most welcome. He was very glad, too, that the right hon. Gentleman had not reiterated the statements which had been so frequently made in both Houses of Parliament—that the elections which had recently been held justified the belief that the Ballot was gaining ground in the country. The recklessness of those statements he held to be only equalled by their inaccuracy. He had already stated the facts in a letter to the newspapers; and he might as well repeat them now. There had been 23 elections since the 1st of July last year, and of the Members returned 19 had voted against the third reading of the Ballot Bill, and only four for it. The hon. Member who took his seat for South-west Yorkshire (Mr. Stanhope) yesterday might, he presumed, be also reckoned among the opponents of the Ballot. Again, in 1872, there had been 14 new Members elected for England, of whom nine had voted against the third reading of the Ballot, and only four in its favour. The hon. Member for Oldham also spoke against the Bill, although he had not been in the House when the third reading was passed. There might be something attractive to Liberal electors in the ballot-box; but he did not think it would last long. It might be very imposing to be marched up into a gloomy shed, guarded by policemen, and initiated into the mysteries of which the right hon. Gentleman was the hierophant, but the reaction would soon set in; more especially; when it was found that the feeling of the really independent class had been wholly disregarded for the doubtful convenience of the illiterate voters.

MR. CORRANCE said, that as a Conservative, he had no great regard for a man who could not read or write, more especially when he was called upon to exercise the franchise; but it never entered his head that the party to whom he belonged would place much reliance on such voters, or that Conservative doctrines were at all popular among them. He had heard with silent consternation the statistics of the right hon. Member for Buckinghamshire, when he stated that the Reform Bill of 1867 enfranchised one-fifth of the illiterate classes. If that were so, he only regretted the fact was not more widely known before that measure passed. He would not be a party to offering any facility to the illiterate class to record their votes; and, in his opinion, the proposal of the right hon. Gentleman would give the same facilities for that purpose as the Lords' Amendments. There would be no protection whatever in the declaration to be made before a "registered elector." He was inclined to trust more to the prospective securities offered by that other measure of the right hon. Gentleman's—the Education Act.

SIR RAINALD KNIGHTLEY said, he wished to register his protest against the wanton way in which the valuable time of the House had been wasted on this Bill. The same thing occurred year after year. Government thought it necessary to introduce measures more or less of sensational legislation. They strenuously and pertinaciously resisted every Amendment which was proposed, not because they were unreasonable in themselves, or because the Government did not mean eventually to adopt them, but solely that they might keep something in reserve to meet the demand made upon them in "another place." That was meant as a sop for Cerberus, that he might allow some part of the measure to pass. He did not mean to speak disrespectfully of the House of Lords, but it was well known to everyone that the Conservative party in that Assembly possessed three heads. He only wished sincerely that they had one of those heads to lead them in that House. What happened? In one short Sitting the House of Lords demolished the Bill on which that House had spent weeks and months. "The deformed was so transformed" that when it came back they could hardly recognize its features. Then came the really important question—what was to be done with the Bill as amended by the Lords? How far were both Houses prepared to yield? Hon. Gentlemen opposite were very indignant. Some of them thought once—they thought twice—they even thought three times about abolishing the hereditary branch of the Legislature; but, as they were great, so they were merciful. After a good deal of discussion something or other of an arrangement was arrived at, not by the force of reason or argument, but by the happy-go-lucky principle of splitting the difference. Then it was pretended by the right hon. Gentleman that the Government had adopted only the Amendments which were not antagonistic to the Bill; but the fact was, that he had himself ventured in Committee to propose, with reference to the illiterate voter, precisely the same provision agreed to by the other House, but it was then described by the right hon. Gentleman who had charge of the Bill as simply preposterous, if not absurd—at all events, it was utterly inconsistent with the principles of the Bill, and, if adopted, would render the whole measure a sham. Yet the right hon. Gentleman now asked them to agree to the Lords' Amendments in that respect. They had debated this Bill for 20 nights last year, and he wanted to know why they had to go over the same ground twice? Would it not have been much better, as the Lords had very properly rejected this measure last Session—having had no time to discuss it—that it should have been reproduced in February, and, instead of going through all its dreary clauses, that a short Resolution should have been passed—"That, in order to meet the political exigencies of the Government, and give a fictitious appearance of cohesion to the Liberal party, the House of Commons agreed to this Bill to legalize lying, to promote personation, and encourage bribery." If they disliked the phraseology, they might put the matter in any words they pleased. The only difference would be that the measure would have been passed in the middle of March, instead of the end of July.

Mr. NEWDEGATE: I heard with some surprise several of the remarks of the right hon. Gentleman the Vice President of the Board of Education, especially the manner in which he treated one of the reasons adduced by the Lords in support of their Amendments—I mean the Amendment which assigns a limit to the duration of this Bill, or rather this Act, as, I suppose, it will be. The Lords insist on their Amendment to Clause 33, to which the Commons have disagreed, for the following reason:—

> "Because the measure being experimental, and the result of its working being to a great extent speculative and uncertain, and the evils to which it is designed to obviate being evils which are already rapidly disappearing, it is not desirable that legislation on the subject should be made perpetual in the first instance."

I regret that the House of Lords should trifle with the legislation of the country by sanctioning an experiment upon it in a matter so important as that of this Bill. The manner in which the Vice President of the Council treated this objection was no less remarkable: he said that it was immaterial; for when once the new system of secret voting was established, there would be no fear of its being abandoned by the country. Now, I think, that there is a strong reason in support of the opinion of the right hon. Gentleman, the reason assigned by Lord Brougham in his *Political Philosophy*. It is this—that elections under the new system of secret voting are certain to fall into the hands of agents, who will be so deeply interested in a pecuniary sense and otherwise in the maintenance of the system, that they will use the power with which they will have become invested for the purpose of perpetuating the system. That opinion of Lord Brougham is, to my mind, a perfectly sound one. I have no doubt that if an effort should hereafter be made to relieve the country from the incubus of secret voting, that the agency created for the manipulation of electors under the system of secret voting will oppose to the utmost any abrogation of that system. As this is the last occasion on which any of us will have the opportunity of addressing the House on the Bill, I wish to notice some other matters. It has been assumed by the Vice President of the Council, and by the hon. and learned Member for the Denbigh Boroughs (Mr. Osborne Morgan) that the House of Lords had no option but to accept the principle of this Bill. And why? Because it has been persistently, during two Sessions, adopted by the House of Commons. Now, Sir, the hon. Member for East Gloucestershire (Mr. Yorke) showed that the last manifestations of public opinion in England are directly opposed to this system—that, of the new Members, nine have voted against the Ballot, and four only in its favour. The opinion constantly enunciated on this side of the House has been and is—that the people of England are not in favour of this system, and that they were not fairly consulted at the last General Election upon it. It is clear that not one-third of the House were pledged to the system of secret voting upon the hustings. That to my mind, presents a very grave aspect in a constitutional point of view. The present position of this question, is, I think, creditable to neither House of Parliament. I think it dangerous to the Constitution. And when I find the House of Lords, acting on the presumption, Session after Session, upon measure after measure, that where an opinion has been manifested upon any great principle by this House, they, the Lords, have no option but to adopt it, I feel, that one of the safeguards of the Constitution is lost. That this question of secret as against open voting is of great constitutional interest I state upon the authority of Lord Palmerston, the authority of Lord Brougham, and the authority of Earl Russell. The change involved in this Bill is, in fact, a fundamental change in the Constitution of the county. A change from open to secret voting changes the character of the franchise;—changes it from being a trust to being a property—from being a vote, which is the property of the community, although held and used by the voter, to being the property of the individual who gives it. I would, with all deference to hon. Gentlemen opposite of advanced opinion, call their attention to that fact. They may rejoice in the adoption of this measure, because it meets their views; they may chuckle over the compliance of the House of Lords. But measures may be proposed, and may be carried, in this House, to which they will be deadly opposed, and they then may have reason to lament that the House of Lords have abrogated their functions. It seems, forsooth, that we have reached the days of infallibility; for the House of Lords has voted the inerrency of the House of Commons. We have not yet received the securities against rash legislation and for freedom which the people of the United States have adopted, the conditions of which are fundamentally democratic. I find in the 5th Article of the Constitution of the United States this provision. I read from an abstract, but it is a correct one taken from the Statesman's Year Book, page 577—

> "The Congress of the United States has the power to alter the Constitution, by the 5th Article of the same. The Article orders that the Congress, (whenever two-thirds of both Houses shall deem it necessary to propose Amendments to the Constitution, or on the application of the Legislatures of two-thirds of the several States) shall call a convention for proposing the Amendments, which in either case shall be valid to all intents and purposes as part of the Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

The Congress of the United States has proved itself a far more independent body than the House of Lords has for many years proved itself in England. And yet, notwithstanding the strength of the Senate, in the United States, the people of America insist upon the 5th Article of the Constitution. If such a measure as this had been proposed in Congress, it could only have been passed by a Convention summoned by two-thirds of the Houses of Congress, or by two-thirds of the States in Convention. I feel that this country, through the abdication of its independent functions by the House of Lords, has lost an essential security for the maintenance of its constitution, and its freedom; and, if that course is to be persevered in by the House of Lords—and I see no signs of their changing—I, for one, shall think it my duty as a Conservative, and at the same time the advocate of popular rights, to look around me for some tribunal more independent than the House of Lords—some security against the hasty decisions of that House upon constitutional questions, on which the constituencies have not been fairly consulted, passing into law; some tribunal to which such questions shall be submitted; some authority more independent than the House of Lords has proved itself. I have thought it right to say this much, for although, as I have said, I am a Conservative, I respect the popular rights of the people. I value freedom more deeply, perhaps, than some hon. Members who call themselves ultra-Liberals.

I watch this tendency to unchecked Democracy with jealousy, and for this reason—that all modern history proves that Democracy always tends to despotism, if it be not itself despotic. I, therefore, as an old soldier in the cause of freedom, valuing the Constitution of this country chiefly as it has secured our freedom, look about me for some security which shall tend to check the somewhat usurping temper of this House in its invasions upon the securities for the freedom of the people by hasty legislation with respect to grave matters, upon which the constituencies have not been fairly consulted, and with respect to which therefore Parliament cannot fairly be held to represent the people.

Mr. MITCHELL HENRY said, he regretted that the House was called upon to consider the important matter of the declaration by an illiterate voter at such a short notice. The objection to making a declaration before the Returning Officer was simply that it would obstruct the Returning Officer in taking the votes. But in Ireland the registered elector before whom the declaration was to be made might be the agent or bailiff of the voter's landlord; and he did not see anything to prevent the agent or bailiff from taking the declarations of a great number of voters. The declaration was merely a statement that the voter could not read or write. But even a voter who could not read could be easily taught to distinguish between the printed names of two different candidates.

Sir MICHAEL HICKS - BEACH said, he was glad that the Government had been able to meet the views of the House of Lords to so great an extent. He would not dwell on all the various proposals of the right hon. Gentleman who had charge of the Bill; but he could not help thinking that the acceptance of a scrutiny, of the limitation of the duration of the Act, and of the other matters on which the House of Lords had insisted, would do much to render the Bill unpalatable to hon. Gentlemen opposite, and that the result of this legislation would be the passing of a Bill which in reality would be approved of by no one. As to the proposal with regard the illiterate voter, he never could see why the voter should be placed in a worse and more unfavourable position than that of a Jew, whose conscientious feelings led him to allow others to do for him that which he would not do for himself. With reference to the observations of the hon. Member for Galway (Mr. Mitchell Henry), that the landlord or landlord's agent might take the declarations of his tenants, and thus thwart the object of the Bill, he wished to know if anyone with the judgment of Judge Keogh fresh in his mind would venture to say that the priest might not also take the declarations with precisely the same effect, and thus render the Act nugatory in Ireland in reference to the very class of illiterate voters who were most easily influenced. When that Amendment came before them he should certainly take the sense of the House upon it. If the Government insisted on having these declarations taken, it would be only reasonable to provide that they should be taken before the person who after all, was in the most independent position—he meant the Returning Officer.

Mr. GLADSTONE: I wish to take the liberty to point out to the House that the course it is at present pursuing is unusual. At the close of the Session it is unusual for a Bill which has gone backwards and forwards between the House of Lords and House of Commons to have its provisions treated as in a preliminary debate—on the second reading for instance. It is perfectly within the competency of hon. Members to debate the question now before them with that fulness which has characterized all our proceeding on this Bill; but I think there is a good deal of practical wisdom in the suggestion that we should discuss the Amendments, one by one, as they come before us, when put from the Chair. I beg to point out that we have arrived at a stage when we must consider the best manner for coming to an arrangement with the other House of Parliament. It is not on points of detail that the question ought now to be considered, and I venture therefore to express a hope that it may not be thought necessary to prolong the discussion, as it would be an important diversion from the course which the House has hitherto pursued.

Lord JOHN MANNERS said, there was, no doubt, great force in what had fallen from the right hon. Gentleman at the head of the Government; but if there was any irregularity in the discusssion it originated with the right hon. Gentleman opposite the Vice President of the

Committee of Council, who had not in his opening statement contented himself with simply announcing the intentions of the Government, but had gone into the details of the Amendments with great fullness, and thus challenged discussion. The right hon. Gentleman had also assumed that it was not within the province of the House of Lords to discuss either the principles or the details of a measure of that kind. He (Lord John Manners) would, however, say that neither on the point of constitutional doctrine or of practice was he justified in complaining of the course which the House of Lords had adopted. That was a Bill not affecting the constitution of the House of Commons, but it was one which affected the habits and customs of the electors, among whom, he would remind the right hon. Gentleman, were ranked by the Constitution all Peers who were ratepayers. The Bill referred not only to votes given for Parliamentary elections, but for the election of municipal officers also, and Peers might vote for such officers, and could and did fill such positions themselves. Therefore, they had a direct interest in the Ballot. He must repeat that any irregularity which had taken place in the way of debate was owing to the opening speech of the right hon. Gentleman; and, therefore, there was, under the circumstances, he contended, no irregularity in commenting upon that opening statement.

Mr. GOLDNEY, while congratulating the Vice President of the Council on the fact that only a small fringe of the Bill remained to be dealt with, felt bound to thank him for the ability which had characterized his conduct of it through the House; for the courtesy he had shown to hon. Gentlemen who were opposed to him in its progress; and for the careful attention he had given to the Amendments which they had proposed.

Colonel BERESFORD also thanked the right hon. Gentleman for his concessions, and said that on Wednesday evening last, in the discussion on the Proportional Representation Bill, he had been referred to as "the accidental Member for Southwark" by the honourable, the learned, the versatile, and he thought he might, without discourtesy, say the temporary Member for Boston. The hon. and learned Gentleman had better look to his own house, and when the Ballot became law, perhaps it would be found that he (Colonel Beresford) was not the "accidental Member for Southwark."

Mr. COLLINS said, he was quite unaware that he had made such a statement as had been attributed to him. All he had said was that there had been a disagreement among the Liberals in Southwark, the result being the return of the hon. and gallant Member. He had never ventured to prophesy that the hon. and gallant Member would not long continue to hold the dignified position he now occupied in the House of Commons.

Sir JAMES ELPHINSTONE said, that after much experience in elections, he was of opinion that the Ballot would deteriorate our constituencies, put a premium upon lying, facilitate personation, increase the opportunities of bribery, and place Irish constituencies at the feet of the Roman Catholic priesthood. Before bringing about such a change, it was the duty of a constitutional statesman to have appealed to the constituencies. He denied that the last Election turned upon the Ballot, and if the constituencies were consulted, he believed they would repudiate the principle on which the system of vote by Ballot was founded. The recorded opinions of prominent Members of the Government against the Ballot were as strong as his own, and he regarded the position of the Government on this question as disgraceful and degrading to British statesmanship. Men like Lord Grey and Lord Palmerston would never have taken such a position; at all events, without appealing to the electors, and would never otherwise have dreamt of turning the outspoken, independent British voter into a sneaking menial.

Clause 6 (Use of school and public room for poll).

Mr. W. E. FORSTER, for the reasons he had already assigned, moved that this House do disagree from the Lords in their Amendment to this clause.

Amendment proposed by The Lords in lieu of the Amendments made by this House to Clause 6, *disagreed to.*

Clause 25 (Vote to be struck off for bribery, treating, or undue influence).

Lords Reason for disagreeing to the omission of Clause 25, read a second time.

MR. W. E. FORSTER said, the clause was one striking off a bad vote. That clause was rendered necessary in the original Bill, because there was no provision for a scrutiny; but when a scrutiny was provided for, the clause was struck out by this House as a consequential Amendment upon the altered state of things. There was some doubt, however, as to whether Parliament had the power to strike out a clause which had passed both Houses of Parliament, but he was inclined to think that it could be struck out, as the best authorities upon such matters had said it could if it were consequential. No doubt the House of Lords were right in declaring that the omission of the clause was not entirely consequential upon the Amendments, as cases might arise in which it would be necessary to strike off bad votes without the necessity of examining all the counterfoils, and taking all the trouble of a scrutiny. That being so, he now moved that the House do not insist upon the Amendment.

Resolved, That this House doth not insist on the said Amendment.

Clause 33 (Short title).

Lords Reason for insisting on their Amendment to Clause 33, read a second time.

MR. W. E. FORSTER proposed that this House should not insist upon their Amendment to the Lords Amendment.

MR. VERNON HARCOURT said, he could not allow the Lords Amendment to pass without entering his protest against it, not with reference to the Bill alone, but to the constitutional principle involved. No more revolutionary doctrine had been entered upon the Journals of Parliament since the Long Parliament than that contained in the Reason of the Lords for that Amendment. It stated that the Bill, which most materially affected the Constitution of the country, was to be passed because, the measure being experimental, it was not desirable that legislation on the subject should at first be made perpetual. Therefore, the majority in the Upper House had laid down the doctrine that the method of dealing with the Constitution of the country was by experimental legislation. Such a precedent might have very serious consequences, supposing it were proposed for a few years to do without the House of Lords or the Church. He could understand the majority of either House saying that a measure was wrong, and opposing it; but he could not understand a majority in one House passing a measure, and a majority in the other House saying that they were so doubtful of its principles that they proposed it should be experimental, though they had not the courage to reject it. The hon. and gallant Gentleman opposite (Sir James Elphinstone) had said it was the business of the Government to consult the country before passing the measure; but they had no occasion to consult the country, because a majority of that House had affirmed the principle of the Bill. There was, however, a power which might have caused the country to be consulted, and that was the majority of the House of Lords. They knew perfectly well when the division took place the other night in the House of Lords, that the question was whether or not there should be a dissolution on the question of the Ballot. But the House of Lords shrank from a dissolution, and therefore the hon. and gallant Member, in seeking to cast the responsibility of shrinking from a dissolution upon the Government, assumed a position which he was not entitled to take. And having declined to consult the country, they passed a Bill which they would not venture to defend, but appended to it the reasons before the House—

> "Willing to wound, and yet afraid to strike,
> Just hint a fault, and hesitate dislike;"

and they asked the House of Commons to be parties to entering upon the Journals of Parliament reasons which recommended that that great measure should be treated as experimental. If he entertained any opinion that that was an experiment, and that the results would be speculative and uncertain, he should have voted against the second reading of the Bill. He did not wish to try experiments on the Constitution of the country; it was for Parliament to make up its mind whether a measure was right or wrong, and whether to pass it or reject it; and although he would not take the responsibility of suggesting a different course from that recommended by the Government, he could not allow an Amendment to pass accompanied by such reasons without entering his protest against them. He ventured to say that the course adopted by the House of

Lords was one which no party would have more reason to regret in the future than the Conservative party, by whom it had been for the first time introduced. He did not know whether their adoption of this policy was to be attributed to the circumstance of their resembling Cerberus—who kept guard in another place—but if so, then three heads did not seem to have been wiser than one on that occasion. Fortunately, they in that House were not in the same position. They had passed a measure by which they were willing to stand or fall, and he would only enter a further protest against what was said by an hon. Baronet opposite (Sir Michael Hicks-Beach), who had expressed a desire that a measure which had received the sanction of both Houses of Parliament should go forth to the country in a form which would make it unpalatable to everybody.

SIR MICHAEL HICKS-BEACH explained that what he said was that the alterations in the Bill made it as unpalatable to the sincere friends of the Ballot — among whom the hon. and learned Member for Oxford had not always been included—as it originally was to the opponents of the Ballot.

MR. VERNON HARCOURT, in continuation, observed that the Bill had not been made unpalatable to him, because the Bill was now in the form in which he had desired to see it. His objection had related to the Amendment of the hon. Member for Huddersfield (Mr. Leatham), and to the penalties which were not now in the Bill. He should be sorry if the Amendments in the Bill had made it unpalatable to the country, because it was desirable that the decision of Parliament should be accepted.

MR. PERCY WYNDHAM said, that as both this Session and last he had put upon the Paper Notice of an Amendment to give the Bill a temporary character, he supported the Amendment of the Lords, and therefore he thanked the right hon. Gentleman for not opposing it. There was really nothing unconstitutional in passing temporary Acts. If legislation was intended to be experimental, surely it was better to treat it as such. The Bill was supported by two classes—those who preferred secret to public voting, and those who had ulterior objects in view; and, to the astonishment of many people, it was supported by the Catholic priesthood of Ireland, by the heads of trades unions, and even by philosophers whose machinations it was intended to frustrate. While it would leave spiritual intimidation and social pressure untouched, it would deprive men of any credit for, and satisfaction in, withstanding such intimidation and pressure. For instance, the 27 men who the other day voted for Sir Arthur Guinness at the risk of their lives would not under this Bill have the satisfaction of proving that they had courage to stand up for their rights. Moreover, if the Bill were made permanent, and the Ballot failed as a means of recording votes, it would be in the power of a small section of the House to frustrate the Government of the day in repairing the mistake; while if the Bill were made a temporary measure, no section of the House could re-enact it as a permanent measure when the time for revision came, and the decision of the question whether the Act was a good one or not would rest with the Government of the day and a majority of the House. In fact, the arrangement now proposed was one by which in the future a decision could be arrived at in the easiest manner, and with the least waste of time; and if hon.. Members had confidence in the principle of the Ballot, there could be no objection to the Lords Amendment that was worth a moment's consideration. The Government had changed their front considerably within two years, as the first Bill provided for a scrutiny. Experience might suggest other changes; and this Amendment of the Lords would enable the Government of the day and the House of Commons to say whether the Bill was a success or not.

MR. CHARLEY said, that if anything could reconcile him to the Bill it was the Amendment of the Lords, who had done the next best thing to throwing out the Bill on the second reading. This was an experimental measure, untried in any part of the world, for wherever the Ballot had been tried it had been either accompanied or preceded by universal suffrage. Without it, 2,000,000 of electors would, without any responsibility, control 30,000,000 of unenfranchised inhabitants. Of the newly-elected Conservative Members eight were against the Bill and two in its favour; therefore, the latest indication of the opinion of the country was that it was adverse to the Bill.

Resolved, That this House doth not insist on its disagreement to the said Amendment.

Lords Reason for insisting on their Amendments in page 24, lines 25 and 26; and line 33; in page 25, line 34; in page 27, line 18; and in page 39, read a second time.

MR. W. E. FORSTER said, that the object of the Lords Amendment was simply to substitute an oral declaration on the part of the illiterate voter in place of the proposal of the Government; and as he thought that the majority of the House was opposed to accepting a provision for a mere oral declaration, he should, while reserving to himself any remarks as to the actual declaration to be provided by a future Amendment, move that the Lords Amendment be disagreed to.

LORD EUSTACE CECIL inquired whether the declaration of the illiterate voter given to a registered elector was to be documentary?

MR. GLADSTONE explained that at that moment they were not called on to decide as to the kind of declaration, but as to the fact that there should be a declaration.

MR. J. LOWTHER said, he wished to know what the Government proposed to substitute for the Amendment of the other House? The illiterate voter should be placed on exactly the same footing as the right hon. Gentleman proposed to place the blind man, and allowed to give his vote freely and uncontrolledly, and he hoped the hon. Baronet the Member for East Gloucestershire would divide the House on the question. It was now proposed by the right hon. Gentleman that any registered elector might constitute himself for the nonce a justice of the peace to take the declaration; but this arrangement would simply open the door to the greatest corruption.

MR. JAMES said, he would counsel hon. Members sitting on his side of the House to accept the proposal of the Government rather than abandon the Bill. The hon. Member for York was anxious that the illiterate voter should vote freely and uncontrolledly; but the question to decide was, whether the man who declared that he could not read and write really could not do so? If they allowed any man who chose to say that he could not read and write to give his vote openly, the secrecy of the Ballot would be entirely destroyed. The substitute for the Lords Amendment now proposed by the Government would enable a record to be kept of the declaration of the illiterate voter; and, therefore, if a man made a false declaration he would afterwards have to face his neighbours, who would reproach him with having told an untruth.

LORD JOHN MANNERS said, that the right hon. Gentleman had proposed this particular Motion without assigning any particular reason for it. The only reason ever assigned for the illiterate voter making a declaration was the alleged necessity of having a record of the statement of the voter that he was illiterate, which was to be sent up to some Department in London; but now the Government submitted to the House the remarkable proposition that any voter might make a declaration to any registered elector. He, however, would suggest that that object might be attained by the presiding officer entering in a printed form the name of any elector voting as an illiterate person. The course taken by the hon. Member for York (Mr. J. Lowther) was perfectly legitimate, because the House ought seriously to consider at this stage whether the principle laid down in the Amendment of the Lords was not a sound and wise one.

MR. LIDDELL said, he must object entirely to any registered elector being the depositary of the declaration of the illiterate voter. [MR. W. E. FORSTER: That is not the proposition.] Then, what was the proposition? He complained of the House being left in such a state of uncertainty on the point. As he understood the matter, a class of persons would be the depositaries of these declarations, who would play into the hands of the agents on either side, and a gross system of corruption might be set on foot.

MR. W. E. FORSTER said, that what was proposed was, that there should be such a declaration as the Lords had struck out. The proposition of the Government was that, in place of a declaration attested by a justice of the peace, the declaration should be attested by a "registered elector of the same county or borough for which the voter claimed to vote." The question now was, whether they should not restore these words "produce such a declaration as hereinafter mentioned." There ought to be, not an oral declaration, but an actual declaration to be kept by the presiding officer, and returned by him to the Clerk of the Crown.

MR. GATHORNE HARDY said, he was glad they now knew what it was the Government wished. They gave up the attestation of the justice of the peace, and only required the declaration of the illiterate voter to be signed by a "registered elector." [Mr. W. E. FORSTER: Witnessed.] Was the "registered elector" to be allowed to make his "mark?" He was not aware that a man might not "witness" by a "mark" as well as by a signature. What guarantee was there that when the declaration was handed in to the presiding officer he should know whether a "registered elector" had really signed the declaration of the illiterate voter? He might be wholly unacquainted with him and with his handwriting. What was really wanted was a register to remind the presiding officer of the person who was illiterate and did not vote in the ordinary manner. Surely, that could be easily provided? The Bill allowed the presiding officer to receive the blind voter's declaration and sign it as a witness. There was the same provision in regard to the Jew. A man might pretend to be blind, or a Jew, or illiterate; but when a man came into the polling booth, saying to the presiding officer—"I declare I am unable to read, I require your assistance to fill up the paper," what was to prevent the presiding officer from making his record of the fact that the voter did make the declaration, and, without any additional declaration, retaining that record, so as to enable him to refresh his memory and prove who the man was who had so declared? That might be accomplished by a mark on the counterfoil; or, if they required something more, papers might be prepared for the purpose. By introducing a "registered elector" the whole security was rendered illusory.

MR. VERNON HARCOURT asked if the voter produced what purported to be the signature of a "registered elector," and was allowed to vote, and the signature turned out to be a forgery, what would happen to the voter? If the vote was to be vitiated, how was it to be got at in the ballot box, and what became of the security?

MR. BERESFORD HOPE said, he could not help regarding the present attitude of the Government as a graceful act of recognition of "another place." The Lords wished "optional" Ballot. That was refused; but if this new Amendment were adopted, it would give more than optional Ballot. He had so much faith in the cunning and audacity of election agents as to believe that in every sharp contest the order would go forth to local agents to arm themselves with the declarations of the illiterate. These voters would go into the polling booth, the agent would be present, and would know how they voted to a man. So that they would not only have optional Ballot, but would multiply the machinery of corruption.

MR. M'CARTHY DOWNING thought the proposition of the Government was so objectionable that he hoped they would not persevere with it. He warned the right hon. Gentleman when this was first proposed that he would fall into a trap, and his statements had been verified. The declaration would be used for the most fraudulent purposes.

MR. PELL said, it was proposed to do in secret what would very much better be done openly. A voter might come up and make the declaration openly that he was illiterate, and the Returning Officer might keep a record of this.

MR. HINDE PALMER said, he was apprehensive that under such a provision a vast number of persons who had been paid £5 a-piece would go before the Returning Officer and say that they were unable to read, and a large number of persons would thus have their votes traced. There should be something more formal than the declaration before the presiding officer. His objection to the proposal of the Vice President of the Council was that it substituted for the Returning Officer another person who was by no means a fit and proper person to execute the office. He thought this was rather worse than the proposition of the House of Lords. If a declaration had to be made, it should be made before a constitutional authority, and he thought it should not be merely an oral declaration.

MR. W. E. FORSTER said, that the Government had considered very carefully what alteration should be made. He thought it very desirable that there should be a written declaration, and that they should not allow it to be merely oral. Much consideration also had been bestowed upon the consideration of the fittest person to be chosen to act in this matter. He did not deny that this did not appear to him to be a matter of vital importance. A great deal might be said on the one side and on the other; but he thought that the balance of opinion was in favour of this declaration being taken by the presiding officer, though that was not without cause for strong objection. Upon the whole, however, it seemed to be the feeling of the House that they should have an actual declaration, and that it should be made before the presiding officer, and the Amendment would embody words having this effect.

Sir MICHAEL HICKS-BEACH said, as they were heartily tired of the Bill, they were glad to get rid of it by any possible compromise, and would therefore accept this.

Mr. COLLINS, alluding to the provision with respect to Jews, said, they ought to put the illiterate voter and the Jew on the same footing. On Saturday the Jew ought to be made an illiterate person.

Mr. J. G. TALBOT said, he could not understand why an illiterate Jew should be placed on a better footing than an illiterate Christian.

Resolved, That this House doth insist on its disagreement to the said Amendments, but proposes to amend the words reinstated by its disagreement to the Amendments made by The Lords in page 21, lines 25 and 26; and line 33; and in page 39.

Committee *appointed,* "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendment to which this House hath disagreed; and for insisting on its disagreement to certain other Amendments on which The Lords insist:" Mr. William Edward Forster, Mr. Gladstone, Mr. Secretary Bruce, Mr. Secretary Cardwell, Mr. Attorney General, Mr. Solicitor General, The Marquess of Hartington, The Lord Advocate, Mr. Attorney General for Ireland, Mr. Stansfeld, Mr. Winterbotham, Mr. Arthur Peel, Mr. Glyn, and Mr. Adam:—To withdraw immediately; Three to be the quorum.

Reasons for disagreement to The Lords Amendment, and for insisting on disagreement to certain other Amendments on which The Lords insist, *reported,* and *agreed to.*

To be communicated to The Lords.

PUBLIC HEALTH (SALARY.)—REPORT.

Resolution [July 11] *reported.*

"That it is expedient to authorise the payment, out of Moneys to be provided by Parliament, to the Medical Officer of the Local Government Board, of such Salary as the Treasury may determine, in pursuance of any Act of the present Session for amending the Law relating to Public Health."

Mr. STANSFELD said, he proposed now, with the leave of the House, to state shortly what he might call the financial proposals of the Government in connection with the Public Health Bill. The House was aware that he had been several times questioned as to the intentions of the Government on this subject, and, as the appropriate moment had arrived, he now proposed to make a statement, in order that the House when it went into Committee might be in full possession of the intentions of the Government. The House was aware that Her Majesty's Government had been placed in some difficulty on this question in consequence of the adoption of the Motion of the hon. Baronet the Member for South Devon (Sir Massey Lopes). That Motion travelled over a very great space of ground, and opened up some very large questions connected with the incidence of local taxation, and the relation between Imperial and local charges. Her Majesty's Government recognized upon that occasion, and since, the obligation which the vote upon the hon. Baronet's Motion imposed upon them, of fully considering the subject, of coming to their own conclusion upon it, and of taking some fitting opportunity in a future Session of stating their opinions and conclusions to the House. If any financial proposals were to be made in connection with any Bill dealing with the subject of local taxation, or connected with it, it was evident either that Her Majesty's Government must at once determine their views, finally, if possible, on the larger question; or, if anything was done in the meantime, that it should be done upon its own merits—he would rather say upon "the old lines" upon which they had been accustomed to go with reference to objects partly financial and partly administrative; and that what was done should be done provisionally, leaving both parties with respect to the question of local taxation entirely free in approaching it in future. Hon. Members would understand the meaning of these remarks when he reminded them that it might have happened that some hon. Member on that side of the House, or the hon. Baronet the Member for South Devon himself, might have suggested some new method of dealing with some portion of the expenses locally undergone and borne partly by the Imperial funds. He might have proposed that certain Votes should disappear from the Estimates, and that provision might be made in other shapes and from other funds for the purposes in view. The House, and every hon. Member of the House, would probably agree that if the Government were to deal with this Bill, and were to make any financial proposals, as far as the Imperial Treasury was concerned, the only method open to them—a method equally fair to themselves and to those who might, perhaps, differ from them—would be to do what they proposed provisionally, and neither to tie their own hands nor the hands of others. With that preamble he would state the proposals of the Government, with very considerable confidence that they would be felt to be not only reasonable, but liberal. These proposals were dictated in neither a crotchetty, narrow, or illiberal spirit as regarded the Consolidated Fund. The House would observe that by a clause in the Bill, it was proposed that on the recommendation of the Local Government Board the Public Works Loans Commissioners should be empowered to lend money on easy terms to local bodies. That was the first financial proposition of the Government, and he need hardly draw the attention of hon. Members of the House to the extreme importance and great value of such a provision to local bodies who desired to raise money for sewage works and other purposes. It was not of so much consequence to large towns which could come to Parliament for Acts, and whose resources enabled them to go into the open market for such funds as they might require; but hon. Members would bear him out when he said that small towns could not obtain loans in the open market without great difficulty and expense, and that they would have to pay interest at the rate of 5 per cent. What he proposed was that, on the recommendation of the Local Government Board, local bodies should be enabled to come to the Public Works Loans Commissioners, who would be authorised to advance money at 3½ per cent. Anyone familiar with those tables which showed the percentage which year by year would pay off a loan in 30 or 35 years, as the case might be, would understand the importance to local bodies of borrowing money at 3½ per cent. The difference between a rate of 3½ and 5 per cent came to this—that instead of the loan remaining as a permanent debt upon the resources of the town, it would be entirely paid off in 35 years. In the Bill it was proposed that no new powers should be given to local authorities, and no new duties imposed with one exception—that it would be compulsory on them to appoint Medical Officers of Health. The Government also proposed that local sanitary authorities should be entitled to make joint appointments, and he hoped those might be the rule rather than the exception. In doing that, they imposed upon local boards as a duty that which had hitherto been a matter for their own discretion; and for that reason, as well as upon other administrative grounds, basing their proposal on the precedent of the Poor Law system, the Government would be prepared to ask Parliament to enable them to pay half the salaries of those Medical Officers of Health, provided they were appointed upon what was called Poor Law terms—namely, that they, the Local Government Board, should be partners in their payment and partners in their appointment and dismissal. The Government would require that the appointment of these officers should be approved by them, and that when appointed they should not be subject to dismissal, save with the consent of the Local Government Board. He had one more proposal to make which he thought would be acceptable to the House, and for which the House would be probably unprepared. Next to the Medical Officer of Health, the most useful officer was the Sanitary Inspector. It was of the greatest importance that local authorities should be encouraged and enabled to appoint competent men, and pay them fairly, and it was also important that these persons when appointed should be freed from the risk of capricious dismissal, and should be able to discharge properly the duties which the Legislature had cast upon them. The Government, therefore, proposed to ask Parliament to allow them on similar terms to contribute one-half the salaries of these Inspectors. The proposals of the Government would, therefore, amount to this—to lend money to sanitary authorities at a minimum interest of 3½ per cent; and to pay half the expenses of Medical Officers of Health and of Nuisance Inspectors.

Sir MICHAEL HICKS-BEACH said, he must express his satisfaction at having heard from the right hon. Gentleman what were the financial proposals of the Bill before the House went into Committee upon it. He had ventured, some weeks ago, to make a suggestion to the right hon. Gentleman that he should follow the course which he had that afternoon adopted; and he would say, speaking for himself alone, that the proposals he had just listened to were, on the whole, satisfactory. The right hon. Gentleman had told the House that it was his intention to assist local authorities by lending them money, which would be a great boon to them. But it might not have occurred to the right hon. Gentleman that the demand upon the Public Works Loans Commissioners was increasing so largely year by year, notably for the purpose of school buildings and other works of that kind, that there might be some doubt whether it would be in the power of the Commissioners to carry out their advances in the future to such an extent as could be wished. He thought the right hon. Gentleman was quite right, when speaking of the proportion of the salaries of the two classes of officers to be borne by the Imperial Treasury, in saying that his proposal was merely a provisional one. It was clear that this proposal and others must come again under the consideration of the House when the question of local taxation was considered, as he hoped it would be next Session. And he ventured for one to say, that when that question did come on he very much doubted whether it would remain satisfactory that only half the salaries of these officers should be paid by the Treasury. He said so for the reason stated by the right hon. Gentleman—that the Poor Law Board were at present, and the Local Government Board was in future to be, partners in the appointment and dismissal of these officers; but the Local Government Board and the Poor Law Board were something very much more than partners in the matter; at least, the partnership was by no means an equal one. The Local Government Board practically, to his mind, had the power partly of appointment, and entirely of dismissal, with regard to these officers; because in very many cases their consent was necessary before the local authorities could take any action in regard to either appointment or dismissal. Therefore, he thought when the time came for the House more fully considering this important question, it might very fairly be argued that the whole instead of the half of the salaries of the officers of this character should be paid by the Treasury, and that nothing at all should be paid from the rates. The House would recollect that as a matter of practice the salaries paid to these officers were not within the control of the local authorities. They might wish to raise or lower the salaries paid, but they had to apply to the Local Government Board previously for their consent. And seeing the Local Government Board exercised this control, there would be no risk of the local authorities dealing with the money of the Imperial Exchequer in the way they might be disposed to deal with it, if at liberty to spend it as they chose. It was satisfactory, however, that the right hon. Gentleman had gone as far as he had done.

Mr. CORRANCE said, that the importance of the Public Health Bill was not inferior to any measure that had been introduced during the present Session, and he could not help expressing his sense of the inconvenience to which they were put by the discussion of such a Bill being delayed to so late a period as that at which they had now arrived. He thought, however, that this was a most incomplete and imperfect measure. The right hon. Gentleman had told them that his present proposal was only provisional—that was, that the main point and pivot on which the Bill turned was only provisional. That fact ought to be considered. Then, as regards it nature, he thought its operation would be only partial, and as the right hon. Gentleman had admitted that in small boroughs and areas the security was inferior and the percentage high, it might be that larger areas might obviate that inconvenience and make the boon not inconsiderable. What was proposed in reference to borrowing would in small boroughs be no inconsiderable boon;

but, in his opinion, the benefit should not be confined to small boroughs, and he gave notice that he should propose Amendments that would considerably enlarge the area of borrowing. The right hon. Gentleman said that he would pay half the salaries of the officers, and that was what he (Mr. Corrance) had always asked him to do. There were precedent and custom in favour of adopting this course. He did not wish to see the Government pay the whole of the salaries of the officers, because he wished to see local payment and local responsibility continue. He trusted that the medical officers of Unions would almost always be appointed Health officers; but as they already received half their salaries from the Government the end would be that if the course he suggested were adopted the parishes would only receive about the same amount of money from the Government as they now received. The right hon. Gentleman said that he wished to prevent capricious dismissals taking place, and it was to be hoped that the appointing authority would be such that there would be no danger of capricious dismissals. However, he regarded the Bill as one of the greatest consequence, and he should be very sorry if anything were done which would cause its rejection.

DR. BREWER said, he believed that the advantages held out to local authorities in reference to contracting loans were manifold, and he therefore thought that the Bill was a valuable concession. The second proposition he regarded as even of still greater importance—namely, that not only should the Government pay half the salaries of the medical officers, but that they should also have a voice in their nomination. Having that voice, it would be most important that the Government should encourage the idea of medical officers being appointed, not merely for a parish or Union, but for several parishes, Unions, and even districts. They did not want medical officers to be mere Inspectors of Nuisances, nor did they want them to make reports upon all sorts of subjects. At present there were cartloads of reports which cost the metropolis hundreds of thousands of pounds, but of which no use was ever made. The special function of a medical officer should be to report, not only upon the special circumstances of his own district, but so to concentrate his attention upon all the sanitary peculiarities of the locality as to be able to make suggestions to the central office for them to carry out, in connection with the Government, for the improvement of the sanitary condition of the people. He hoped the taxation of the country would not be devoted merely to supplementing the private practice of individuals, but that the influence of the central office, which he looked upon as of the greatest importance, would be used to select persons who were peculiarly capable of observing the sanitary conditions of districts, and who in order that their minds might be applied usefully to that object, would not be allowed to enter into private practice, for the functions of such an office were extremely difficult to carry out, and would require the whole attention of any person who had to do the work. He, for one, should do all in his power to assist his right hon. Friend in carrying the measure to a successful issue.

COLONEL BARTTELOT thought that the Bill was too important a one to be decided upon in a hurry. It had, no doubt, been before them for some time; but they had not had the statement upon it until to-day. Why were they not told beforehand that the Government would pay half these salaries? The head of the Government told them a short time ago that there were a great many questions which would arise out of this matter, and that it would require very grave and great consideration before anything could be done with regard to local taxation; yet now they were asked after the 12th July to pass a Bill which would have a most important bearing upon it. He believed that if the Government had not been most anxious to pass the Bill they would never have said anything about paying half the salaries out of the public money. He, however, was not going to be bribed in any such manner, for he thought it a great deal too late in the Session to discuss so important a measure as it ought to be discussed, and he ventured to protest against the course which the Government had pursued with respect to it.

MR. CRAUFURD believed that the House would act unwisely if they did not encourage the Government to proceed in the course which they had entered upon. Surely they ought not to place obstructions in the way of the right hon. Gentleman when he was marching in the direction of the revision of our whole system of local taxation. He thanked the right hon. Gentleman for the advance that he had made; for though the step taken was a small one, yet the principle conceded was most important. Moreover, it was in the right direction, and he earnestly hoped the boon proposed might be one which would ultimately be extended to Scotland. With reference to loans, he wished to observe that they guaranteed loans at 3½ per cent from the Public Commissioners of Ireland by the Act of 1870, and it was enacted that such loans should be repaid by an annuity of 5 per cent for 35 years. In the present Bill it was proposed that the loans should be repaid in 30 years; whilst under the Scotch Education Act the time for repayment was 50 years. He did not see why there should be these various periods, and he hoped that in the present case the 30 years would be extended to 50 years.

Resolution *agreed to.*

PUBLIC HEALTH (*re-committed*) BILL.

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Hibbert.*)

[BILL 215.] COMMITTEE.

Order for Committee read.

MR. SPEAKER said, before he put the Question that he leave the Chair, it would be the proper time to call upon the hon. Member for Finsbury (Mr. W. M. Torrens) to move the Motion of which he had given Notice.

MR. W. M. TORRENS, in rising accordingly to move—

> "That it be an Instruction to the Committee that they have power to provide for the rebuilding of workmen's dwellings in cases where the same shall have been extensively pulled down under or by virtue of any Act of Parliament,"

said, that he regarded its omission from the Bill of his right hon. Friend with great regret, although he believed it might be supplied even at that late period of the Session. After many years' discussion, that House unanimously adopted in 1868 a Bill to provide better dwellings for the labouring classes in places of large extent, where overcrowding was found to exist. That Bill was sent to the House of Lords, where it was altered in an essential particular. The Preamble to the Bill, in its original form, recited that the objects of the Bill were, to give power to local authorities to compel the repair of dwellings; where they were not sufficiently repaired, to have them taken down; if they were quite dilapidated, instead thereof to build suitable dwellings and to secure their maintenance. The 38th clause of the Bill, not merely by declaration, but by enactment, proceeded to state what were the four objects of the measure in the contemplation of the House of Commons—namely, repair, demolition, reconstruction, and compensation to the owners who were divested. After a Committee of the other House had sat for some weeks, the Bill was sent back to the House of Commons with the latter provisions entirely excised. Since then we had had the advantage of three years' experience, and we knew what had been the effect of the alterations made by the House of Lords. Having taken an active part in passing the Act of 1868, he had felt it his duty to watch closely its operation, and he could state with confidence that all those portions of the Bill which were confirmed by the House of Lords had worked beneficially and steadily, while, on the contrary, the omission of some of the clauses had produced a certain amount of paralysis in the operation of the measure. He would mention the case, well known to his hon. Friend the Member for West Essex (Sir Henry Selwin-Ibbetson), of a small district in the centre of St. George's, Bloomsbury, which was surrounded by a large and well-to-do population, but which itself was a nest of disease, demoralization, and destitution. The local authorities had endeavoured to put the power of demolition in force, but had been arrested in their course by two very obvious considerations. In the first place, the House of Lords had rejected the clause giving power to compensate, and consequently the unhappy lessees would be left without any compensation if they were driven out of their property. But what was still more important to the public at large was, that the power of compulsory purchase of the site was struck out by the House of Lords, while a clause was introduced under which the remedy of the landlord was made to enure, notwithstanding the fact that the property of the lessee was destroyed.

It was clear that by simply digging up the foundations of a particular slum the moral and physical evil would not be got rid of if the old dilapidated houses were not replaced by proper dwellings. Otherwise the inhabitants would spread themselves over the surrounding district and thus perpetuate the evil which the Legislature desired to remove. He would ask his right hon. Friend, therefore, whether he would not, after the experience of three years, present a second time to the House of Lords the clauses which they rejected in 1868, because they, no doubt, deemed them unnecessary. The Bill of 1868 provided that the site of the houses demolished should belong to the local authorities; but the House of Lords objected to this proposal, saying that the local authorities were not the proper parties to hold the land in fee. In point of fact, however, the Proviso contained in the Bill of 1868 was merely to the effect that if within seven years the site was not covered with wholesome dwellings, it should be re-sold to private individuals or a building company; but it was never intended that the local authorities should become either householders or landowners. Every railway company in the kingdom had power to acquire lands, and surely the promotion of public health was of far greater consequence than any speculations of that kind. They ought to consider that the wealth of the country was rapidly increasing, whilst poverty, misery, and the difficulty of living were not decreasing; and it was surely not consistent with their sense of public justice that they should reject any means of doing for the public health's sake that which they were quite willing to do to promote the interests of a speculative company. What he asked was simply that they would re-affirm that which they passed in 1868, and which a large proportion of the Upper House was on that occasion prepared to adopt. In conclusion, he would move the Instruction of which he had given Notice.

Motion made, and Question proposed,

"That it be an Instruction to the Committee, that they have power to provide for the rebuilding of workmen's dwellings in cases where the same shall have been extensively pulled down under or by virtue of any Act of Parliament."—(*Mr. W. M. Torrens.*)

MR. STANSFELD said, he would be more than willing to see the Instruction of his hon. Friend carried out, were it not for the reason which actuated his own conduct in discarding a number of clauses which he was desirous of seeing passed—namely, to afford the present measure the greatest possible chance of becoming law within the short period that remained of this Session. He therefore appealed to his hon. Friend to withdraw his Motion, and to rest satisfied with the assurance he was prepared to give him, that it would receive the utmost attention of the Government next Session, when they proposed a general measure upon this subject.

MR. GOLDSMID said, for the last six or seven years he had been one of the managers of the Association for Improving the Dwellings of the Working Classes, and whilst discharging his duties in that capacity he had become acquainted with one very serious evil which demanded an immediate remedy. He alluded to the power often conferred upon private companies—such as railways and others—to remove the dwellings of the poor, without any corresponding liability being imposed on them of erecting other houses in their stead. During that very Session a Mid-London Railway Bill was initiated, which would, if it had passed, have authorized the removal of a number of those dwellings, which had been found capable of accommodating 20,000 persons. That appeared to him to be an evil of great magnitude, entailing a large amount of hardship upon the working classes. A similar demolition of small houses took place on the now vacant ground near the Holborn Viaduct. The dwellings in the immediate neighbourhood, in consequence, had become enormously overcrowded, and the rents had risen from 30 to 50 per cent; and this was always the result of such demolitions. Consequently, whilst fully concurring in the object of his hon. Friend's Motion, he considered it of far too great importance to be disposed of satisfactorily at that late period of the Session, and for that reason he joined in requesting his hon. Friend not to press it at present.

MR. R. N. FOWLER referred to the ground to be occupied by the New Law Courts, where, he said, 5,000 poor persons had been turned out of their homes. He concurred in the observations which had just fallen from the hon. Member (Mr. Goldsmid).

Sir CHARLES ADDERLEY said, that the present Bill for the formation of local authorities throughout the country would, when taken in connection with the Act of last Session, form a good basis for a Consolidation Bill next year; but it was undesirable to discuss all sorts of topics upon the present occasion, upon a restricted Bill of this kind, which was merely intended as a small foundation for a general measure next Session.

Lord EUSTACE CECIL asked, whether the President of the Local Government Board intended next Session to deal with all the nuisances to which the clauses left out of the present Bill related?

Mr. STANSFELD replied that he had distinctly stated so.

Colonel BARTTELOT thought that no hon. Member ought to be constrained, because the Bill was limited in its character, from raising a discussion on any point which he thought important. He would ask whether it was worth while to go into what his right hon. Friend called this small foundation for a general measure at that late period of the Session? He, for one, demurred to such a proceeding. The foundations might turn out to be rotten, or incapable of bearing the weight of the larger measure referred to. He, however, thought, under the circumstances, that the hon. Member for Finsbury was fully justified in moving the Instruction which he proposed. There were already 15 pages of Amendments, and if it were really known that the measure would be discussed that Session, he believed that those 15 pages would have extended to 40.

Mr. HENLEY said, that the Motion of the hon. Member for Finsbury only showed the unfortunate position in which the House was placed in consequence of the Government bringing forward such an important question at that late period of the Session in its present shape. The hon. Gentleman opposite only asked to add one more subject to seven or eight other subjects which were mixed up with this Bill. Various Acts of Parliament, involving important and conflicting powers, were jumbled together in a curious hodge-podge fashion, and all the business arising under them was to be tumbled into the hands of the rural and urban sanitary authorities, without any directions as to how they were to administer them, and with no very moderate prospect as to expense. The salary of the medical officer was a mere drop in the ocean, and after all that officer might turn out to be a mere agent of the Government, to force on matters which the local authorities might or might not consider prudent. He urged the right hon. Gentleman not to press on this Bill, but rather to employ proper men to consolidate the various statutes, and then with a consolidated Act they might reasonably hope some good might be effected for the country. As to the proposition of the hon. Member for Finsbury, his own experience should have taught him that it was vain to expect them at that period of the Session to undertake such a job. Were they to pitchfork the Liverpool or some other Act into this Bill, by way of seeming to do something? He hoped the Government would have more mercy on those who had to administer the law, and also upon the ratepayers, who would have to pay all the expenses incurred. If the Government wanted to do the proper thing in a workmanlike manner, they must begin by consolidating the law, and then there would be some chance of effecting some good work at last.

Mr. MUNTZ said, he must express his regret that the right hon. Gentleman had deemed it his duty to bring forward that tail-end of a measure at so late a period. After the long period of gestation he did hope a general measure of Consolidation would have been brought forward next spring, when after all organic changes were, as he trusted, at an end, they might apply their whole strength to concoct one general good measure. He had paid some attention to this subject, but the more he considered it the more difficult it appeared; there were so many Acts of a conflicting character, and he was afraid they were going to have another. His own constituency had spent £500,000 in obedience to one Act of the Legislature, and they would now have to spend another £500,000 in obedience to another Act. It would be much better if this Bill were passed over this year and taken up next spring. The municipal authorities would then have time to look at the Bill, and the House would also have time to consider so important a matter. He had received remonstrances against the Bill from his own constituents, and he believed every borough in England had some fault to find with this measure.

Mr. DIMSDALE said, he was one of those who had expressed approval of the Bill on its second reading, having regard particularly to the improvements introduced by his right hon. Friend the Member for North Staffordshire (Sir Charles Adderley). At this period of the Session, however, he felt bound to join in urging the postponement of the mutilated measure till next Session.

Mr. HARVEY LEWIS said, he approved the Instruction proposed by the hon. Member for Finsbury, believing it was a great pity that the Bill had been shorn of an important feature, because there was not time to deal with it. But he thought that if the Bill was such as had been graphically described by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley)—if all the pith and marrow of it was to be put off till another Session—it would be much better that the whole subject should be postponed, to be dealt with in its completeness next year. He could hardly look upon this as a complete Bill at all, but rather as a "remnant to be left," and as such it would be matter for unmitigated regret if it failed to become law.

Colonel HOGG defended the conduct of the right hon. Gentleman opposite (Mr. Stansfeld) in determining to pass, if he could, even this portion of the Bill, which might become the basis of a most useful reform. He trusted that the House would assist the Government in making progress with the measure, and that in Committee a clause would be introduced in reference to the question of working men's houses.

Sir THOMAS ACLAND complained of the impediments now offered to the progress of part of a Bill which passed the second reading without opposition.

Mr. H. R. BRAND said, the Bill would at least establish sanitary authorities all over the country, and the Government ought to be supported in their effort to carry it.

Colonel BERESFORD hoped that in Committee an enactment would be introduced to remedy the deficient supply of water from which so many districts have suffered.

Mr. D. DALRYMPLE urged the Government to persevere with the Bill.

Mr. W. M. TORRENS, in compliance with the wish expressed on both sides of the House, said, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. PELL, disclaiming any intention to impede the Bill, and stating that his sole object was to gain a better opportunity for the discussion of an Instruction of which Notice had been given by the hon. Member for South Devonshire, said, he would move the adjournment of the debate.

Sir CHARLES ADDERLEY hoped the hon. Baronet referred to (Sir Massey Lopes) would speak for himself, and say whether the matter could not be discussed in Committee.

Sir LAWRENCE PALK hoped the hon. Baronet (Sir Massey Lopes) would not accept that suggestion, because the subject-matter of the Instruction was one of the greatest importance to the agricultural interest. He (Sir Lawrence Palk) would support the Amendment of his hon. Friend (Mr. Pell). The Bill would have a deep influence on the value of land in England, and on the future of the agricultural classes, and it was right that it should be thoroughly discussed in the House.

Mr. STANSFELD said, he hoped to show the right hon. Member for Oxfordshire (Mr. Henley), when the House got into Committee, that the Bill was not "a jumble"—that it was of very considerable practical importance, and that its passing this Session would simplify the method of dealing with the whole subject. At the same time, he was not disposed to throw any difficulty in the way of hon. Members expressing their opinions, and if the Bill were allowed to go into Committee, he did not see why the discussion should not be taken on the 1st clause.

Sir MICHAEL HICKS-BEACH said, that he, and no doubt other hon. Members, was anxious to have an opportunity of expressing their opinions on the general provisions of the Bill, and that could not be done clause by clause. The Bill of the Government was open to very grave objections, and it was very doubtful whether it ought to be passed this Session. He hoped his hon. Friend would press his Amendment to a division.

Motion *agreed to.*

Debated *adjourned* till *Monday* next.

And it being now ten minutes to Seven of the clock the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DIPLOMATIC RELATIONS WITH PERSIA.

RESOLUTION.

MR. EASTWICK, in rising to call attention to the state of affairs in Persia; and to move—

> "That, in the opinion of this House, it is expedient that the recommendation of the Diplomatic Committee of last year be carried out, viz., that the control of our relations with Persia be transferred to the India Office, or that the payments for the expenses of our mission to Persia be readjusted."

said, the subject was carefully weighed by a Select Committee of this House last Session. The evidence of Lord Malmesbury, of Lord Derby, of Lord Lawrence, and of Lord Mayo—whose opinion was given in writing—of Sir Henry Rawlinson—the greatest living authority on all matters connected with Persia—of the hon. Member for Chatham (Mr. Otway)—who was at that time Under Secretary for Foreign Affairs—and of Sir John Kaye, was strongly in favour of the transfer being made; while that of Lord Halifax, Sir Henry Bulwer, Mr. Hammond, and Lord Clarendon went to show that things should remain as they were now. Sir Henry Bulwer's opinion, however, was qualified in this manner—

> "My idea in regard to the Persian Mission is, that it is better to leave it under the Foreign Office; but that the Foreign Office ought to consult the India Office, and that great deference should be paid to their recommendation as to the class of persons best fitted to be employed there;"

and Lord Halifax thought that the payment made by India towards the expense of our Mission should be diminished, and that from the Imperial Treasury proportionately increased, so that the *status quo* was advocated only by Lord Clarendon and Mr. Hammond. The Select Committee, after balancing the opinions of those distinguished men, came to the almost unanimous conclusion that—

> "While they have received conflicting evidence of the highest authority on either side of the question, they on the whole incline to the opinion that the Persian Mission should be placed under the authority of the Secretary of State for India; but that if the responsible Advisers of the Crown decide that such change is not for the public interest, they recommend that the members of the Persian Mission generally should be selected by the Secretary of State for Foreign Affairs from Her Majesty's Indian Service, and that the present charge of £12,000 a-year on the Indian Revenues, for the expense of such Mission, should be diminished so as to throw a larger proportion of the expense upon the Imperial Revenues."

Lord Granville, so far from carrying out those recommendations, had acted in direct opposition to them, and the subject, therefore, now assumed a more serious and important aspect than ever, for it was not now simply a question whether the India Office or the Foreign Office should deal with Persian matters, but also whether a Select Committee having decided in favour of one view, it was competent to the Secretary of State not only to disregard that view, and neglect every part of the recommendation, but even act in the utmost possible opposition to it. Even that was not all, and it would be his painful duty to show to the House that the action taken by Lord Granville in this matter, quite independently of considerations adduced before the Committee, had been in the highest degree unwise and impolitic. Having been compelled to make this serious charge against the policy of a Minister, for whom personally he had the highest respect, he trusted the House would allow him to go fully into the matter, for without doing so it would be impossible for him to completely substantiate his statement. He might also say that he had no opportunity of giving evidence before the Committee; and although, in general, he should be quite content to rely on the statements of such men as those whose names he had mentioned, yet, as was said in the *Ethics*—"Each judges well the thing he knows;" and he might say, without presumption, that in the matter of which he was now speaking, he had had special opportunities of knowing. For five years he was employed in the Indian diplomatic service on the frontier of Khelat and Afghanistan, and hence became practically acquainted with the border politics of those countries, including Persia. He was Assistant Secretary in the Secret Department of the India Office during the whole time that Department had charge of Persian affairs. Subsequently he was employed by the Secretary of State for Foreign Affairs on a special service connected with Persia in this country, and was then appointed by him Secretary of Legation at Tehran. He remained three years in Persia, and was sent on two special missions there, first to the Caspian Provinces and then to Khorasan. Finally, he had the honour of being *Chargé d'Affaires* and of negotiating a Convention, in the first instance personally with the Shah. He might add that he was, he believed, the only Indian officer appointed to diplomatic service in Persia by the Foreign Office. On those grounds he trusted that he should be allowed to travel a little beyond the pages of the Blue Book, so as to place the subject he had in hand fully before the House, and he entreated the House to consider that it was a subject which deserved the most serious attention, lest that "great and fatal error" spoken of by Malcolm's biographer should be perpetuated, "from which," to use his words, "have already sprung disasters and disgraces, to be succeeded, it is feared, by other evils of a no less melancholy kind." The history of our relations with Persia was unique in diplomatic annals on account of the strange way in which the control of those relations had been shifted again and again from the East India Company to the Crown, and from the Foreign Office to the India Office, and *vice versâ*. Not to dwell, however, too much on these changes, he would divide the whole period of our connection with Persia into three epochs. The first, and by far the longest, was that in which the management of our affairs in Persia was left almost entirely in the hands of the East India Company. During the second the Foreign Office for the most part controlled our relations with Persia, but was content to leave Indian officers at the head of our Mission in Tehran, while since the third epoch it had not only maintained such control, but had appointed to the Mission its own officers. In dealing with the first epoch, he would begin by referring to some remarks which he addressed to the House on the affairs of Central Asia on the 9th of July, 1869. He then pointed out that Persia was our oldest ally in the East, and on that account, as well as others, deserved consideration. Disregarding a letter which Queen Elizabeth on the 25th of April, 1561, confided to Anthony Jenkinson, merchant, and which was addressed to Shah Tamasp, but produced no results, he might say that the first epoch commenced with the arrival of the valiant knights, Sir Anthony and Sir Robert Shirley, and their followers, at the Court of Shah Abbas the Great in 1602, about three-quarters of a century before we established relations with Turkey. Persia was then a formidable Power, and so far from "the Bactrian Sophi," as Milton called the Shah, "retreating from the horns of the Turkish Crescent to Tauris or Kasvin," Abbas inflicted on the Turks, on the 24th of August, 1605, near Tauris, or Tabriz, one of the most sanguinary defeats they ever sustained, more than 20,000 Turkish heads having been brought to him on the field of battle. An alliance was then formed between Abbas and the East India Company, and in 1622 their joint forces wrested the Island of Hormuz, or Ormus, as Milton called it, from the Portuguese, and transferred its great and flourishing trade to Gombroon, which has ever since borne the name of Bandar Abbas, or the port of Abbas. Two years after Sir Robert Shirley was sent by Abbas to the Court of James I., and Sir Dodmore Cotton came from Charles I. on a return embassy to Persia, but both Shirley and Cotton died a few months after arrival in that country, and all our dealings with Persia relapsed into the hands of the East India Company, whose agents were at the head of flourishing factories—first at Bandar Abbas, and afterwards at Bushahr, Basra, and Bagdad. Those agents were always well received by the Persian Government, and the first epoch passed in peace and good-will. But these relations, which continued nearly two centuries, had more of a commercial than a diplomatic character. Purely diplomatic relations began in 1799, when Lord Wellesley resolved on sending Captain Malcolm to

Persia to negotiate an offensive and defensive alliance with Fath Ali Shah against the French. Malcolm's embassy had in it all the elements of success. He was himself handsome, gallant, and courtly, a bold horseman, and an experienced soldier, and the officers who accompanied him were worthy of their leader. The portraits of one of them, Mr. Strachey, are still to be seen in the palaces of Ispahan, and an ode written in his praise by the Shah himself is so celebrated in the East that when, many years afterwards, Dost Mahommed was introduced to a gentleman of that name he instantly began to recite a stanza from it. In short, such was the favour in which Malcolm was held that he had no difficulty in negotiating a treaty with the Shah, which was signed in January, 1801, and by which the Persians bound themselves to "expel and extirpate the French" if they attempted to enter Persia. But the brilliant impression made by this embassy was suffered to die out, and the Treaty was never ratified by the English Government; so that just before the Peace of Tilsit, in July, 1807, when Bonaparte sent General Gardanne to Tehran with 70 French officers to discipline the Shah's troops, they were well received at the Persian Court, and the star of the French was for a time in the ascendant. This success of the French Mission alarmed both the East India Company and the English Government, and they simultaneously endeavoured to counteract that sinister influence. Then was seen the strange and unseemly spectacle of rival Envoys, from the Sovereign and the *quasi*-regal Company, struggling with one another for priority of access to the Court of the Shah in order to expel the French intruder. Malcolm, sent by Lord Minto from India, reached Bushahr on the 10th of May, 1808, and returned without being allowed to see the Shah on the 12th of July. In August, Sir Harford Jones, the Royal Envoy, sailed from Bombay for the Persian Gulf, was admitted on the 17th of February, 1809, to an audience with the Shah, and on the 12th of March following negotiated a preliminary treaty which re-established our alliance with Persia. Now, as the failure on the part of Malcolm and the success of his rival had always been imputed to the superior influence of a Royal Envoy over one sent by a Governor General, and as they became the *fons et origo* of all the subsequent disputes about Persia between the India Office and the Foreign Office, he must dwell on them for a moment, in order to point out the real facts of the case which had never hitherto been disclosed. The truth was, then, that the Royal Envoy would have been sent back by the Persians from Shiraz, in the same discourteous way as Captain Pasley, Malcolm's *avant-courrier*, had it not been for a subtle device of Sir Harford, who had been long enough at Bagdad to take the exact measure of the Persian Court. With a view to the difficulty he would have to encounter, Sir Harford had provided himself with a magnificent diamond which had been in the signet ring of Karim Khan, who ruled Persia in 1759, had been brought to Bombay by some Armenians, in 1772, and had at the time when Sir Harford was preparing for his mission found its way into a shop in Bond Street. That diamond Sir Harford purchased for considerably less than its value, and kept it about him ready for use when the crisis came. When, therefore, Nasrullah Khan, the Prime Minister of the Prince Governor of Shiraz, told Sir Harford he could go no further, Sir Harford, having exhausted all other arguments, arose from his seat, and said —"I go, then, and I take with me this gem which I hope to lay at the feet of the Asylum of the World." At the same time he drew from his breast a glittering casket, which he opened and displayed the enormous diamond. The Persian Minister, who had been sitting in an attitude of supercilious indifference, lost his balance both metaphorically and literally at the sight, and called out in breathless haste—"Stop, Elchí, stop! I will send off an express courier to the Shah, and stop, at all events, till the answer is received." The answer came, Sir Harford was conducted to the capital, and was ushered in at one gate of Tehran while General Gardanne and his 70 officers were congéed out at the other. In the narrative published by Sir Harford of his Mission, the purchase and presentation of the diamond were mentioned, but nothing was said of these remarkable circumstances, but he heard them himself from General Sir James Sutherland, who was an eye-witness of the whole transaction. It seemed almost incredible; but it was matter of history that Sir Harford drew bills on India to the enormous amount of £70,000 for the expenses of his mission, which, with the price of the diamond and the other presents, must have cost considerably over £100,000, and Lord Minto was so chagrined at Malcolm's failure, that he not only dishonoured the bills but threatened to send an expedition to the Persian Gulf—a threat which certainly might have endangered the liberty, and even the life of Sir Harford. The affair, however, ended in Malcolm being sent on a third mission to the Court of Fath Ali Shah, where he was received with so much favour as to prove that had he taken with him a diamond of the same value as that brought by Sir Harford Jones, he would, on his second mission, have been received with equal courtesy. The Shah offered to give him command of his whole army, and to appoint English officers to discipline it, and had our Government been wise enough to empower Malcolm to accept that offer, he did not hesitate to say that, in all probability, the Russians would never have crossed the Arras, and we should never have embarked in an Afghan and Persian War. But the Foreign Office was anxious to conciliate Russia rather than to build up a rampart against her. Malcolm was recalled, and one of the most distinguished officers he left behind him was soon after cruelly put to death by the Russians, when lying wounded after an encounter between them and the troops of Abbas Mirza, the heir apparent. From that time to this, the short-sighted policy of the Foreign Office had been to cripple Persia in all her movements, and to drive her step by step into the arms of Russia. In 1823, Mr. Canning, who was then Foreign Secretary, transferred the management of our relations with Persia to the Board of Control, on the express ground that "the objects of our intercourse with Persia were principally, if not purely, Asiatic." So things continued till 1836, when Lord Ellenborough, never very friendly to the East India Company, retransferred Persia to the Foreign Office. This arrangement lasted till the 12th of November, 1858, when Lord Malmesbury, with the full consent of Lord Stanley, again transferred Persia to the India Office. The grounds for this change were thus ably stated by Lord Malmesbury—

> "Persia was placed under the superintendence of the Secretary of State for Foreign Affairs in 1836, in consequence of its being supposed that the counsels of Great Britain would have more weight with the Persian Government if urged in the name of the Sovereign, than if tendered merely on behalf of the East India Company, and from that time the representatives of the British Government have always communicated with the Persian Government under credentials from the Crown, although they were also provided with credentials from the Governor General of India. But, under existing circumstances, there is no longer the same motive for separating the superintendence of British relations with Persia from that department by which it can most conveniently be exercised, for it could not be questioned that the interest of Great Britain in Persia is founded on the position which this country occupies in India, and that almost every matter which might have come under discussion between this country and Persia more or less concerned the British Government in India."

The despatch went on to say, with reference to the credentials—

> "In order to secure uniformity, it may be convenient that the credentials for Ministers and commissions for Secretaries of Legation and Consuls in Persia should continue to be made out in the Foreign Office, although sent, when ready for signature, to the India Office, in order that the Secretary of State for India may submit them for Her Majesty's signature, and that the seal may then be affixed to them at the India Office. The Queen having the power to charge any individual Secretary of State with a special duty, would, by my proposal, simply place the duties and responsility of the Persian Mission in your Lordships' hands instead of mine."

He had already shown that this idea, to which Lord Malmesbury refers, that—

> "The counsels of Great Britain would have more weight with the Persian Government if urged in the name of the Sovereign than if tendered merely on behalf of the East India Company,"

was founded on a misapprehension which sprang from the subtlety and reticence of Sir Harford Jones. But, at all events, as Lord Malmesbury shows, whether the idea was true or false, there was an end of it when India passed from the Company to the Crown. The Shah knew well enough that the Duke of Argyll was of equal rank with Lord Granville, and that if the credentials of the officers of the English Mission were drawn out at the Foreign Office, and the Persian Minister was under that Office in all matters of Court ceremony as one of the *Corps Diplomatique*, it would be far from a disadvantage to Persia that its business should be transacted with the Duke. In fact, the Persian Minister often discussed matters with the Duke, just as the Shah frequently transacted business with the Representatives of Foreign Governments through a Minister other than his Foreign Secretary. He himself, when at Tehran, arranged most of the important matters he transacted there through the Amínu u'Daulah, and not through Mirza Said, the Foreign Secretary. Lastly, we had the positive testimony of Sir Henry Rawlinson that "no distinction was ever made between the Queen's Envoy accredited from one Department or from another Department of the State," and all who knew Persia knew that Sir Henry Rawlinson, accredited from the India Office, had a hundred times more influence than Mr. Alison, who was accredited from the Foreign Office. This allusion, therefore, needed no further comment, and he hastened on to say that after this change in 1858, the sixth which had occurred, they might have expected to "rest and be thankful;" but Lord Russell was no sooner in office than, with characteristic impatience, he reversed everything which had been done, and acting, no doubt, on the advice of Mr. Hammond, brought reluctant Persia back under the control of that functionary; and he said boldly, what he knew to be the case, that since then there had been repeatedly approaches to a positive rupture. Well, now, he had pointed out that the first epoch in the history of our relations with Persia ended with Malcolm's failure in 1808. The second terminated on the 3rd of September, 1854, when Mr. Murray, a purely Foreign Office *employé*, was appointed Minister at Tehran, for from that time to this, with the exception of Sir Henry Rawlinson and himself—and their career was short—there had been no Indian officer at the head of the Mission, and that was a matter to which Lord Lawrence and others attached the most serious importance. Now, he was going to found his chief argument for transferring Persia to the India Office upon the results of that substitution of Foreign Office *employés* for Indian; but before he did so he wished to dispose of the arguments which those who gave evidence before the Committee in favour of the Foreign Office view submitted to consideration. Of these, the statements of Sir Henry Bulwer told almost as much on one side as on the other; Lord Halifax supported one recommendation of the Committee, though he rejected the other two propositions; Mr. Hammond told us little or nothing, and what he said was hardly consistent; and Lord Clarendon alone spoke decidedly, though as he (Mr. Eastwick) would now show, his arguments would not bear examination. Now, what were these arguments? The first was that, except with regard to the Persian Gulf, India had nothing to do with Persia; the second, that the Shah would be "very much hurt and offended" at being excluded from European diplomacy, and put into the Indian circle; the third, that it was for our interest to keep Persia out of that circle; and the fourth, that the progress of Russia in Central Asia would bring Persia every day more and more into the pale of European influences. Now, the exception that except the Persian Gulf India had no connection with Persia, meant excepting a trade of several millions which India has with the Gulf, excepting the Residency at Bushahr, the Agency at Basra, the Residency at Bagdad, the Residency at Muskat, the naval force in the Gulf, the telegraphic communication along the 1,000 miles from Bushahr to Karachee, the line of steamers which runs between those places, for all of which India paid. It meant excepting the Treaties the Indian Government had with the Arab tribes of the Gulf, and with the Imam of Muskat, the disputed sovereignty of Barhein, the slave trade which India paid to put down. Surely that was a large—a monstrous exception. But to waive all that, he asked, had India no frontier line to the east of Persia, extending for 300 miles between the subsidized Khelat State and Persia, and 600 miles between Persia and the semi-Indian and occasionally subsidized State of Afghanistan, which line Indian officers—General Goldsmid, of the Bombay Army, and Colonel Pollock, of the Bengal Army—were at that moment engaged in settling? And why were Indian officers engaged in that duty? First, because England was in no way interested in the matter, except on account of India, while to India it was a matter of vital importance—of peace or war. Secondly, because Mr. Alison either never would, or never could, settle anything in Persia, but was indebted to Indian officers—first of all, he could not help saying, to himself, and afterwards to General Goldsmid and Major Champain—for all that was settled. The Indo-Persian frontier was vastly more extensive and more important than the other frontiers of Persia, for excepting the Caspian Sea, on which Persia had not a vessel, from the reckoning the whole frontier of Persia towards Russia extended only 200 miles, and no more than 600 miles towards Turkey, while the Indo-Persian frontier stretched 1,900 miles, reckoning the eastern frontier with the southern coast, which in all respects was thoroughly Indian. But besides all that, the Shah Mahomedans of India were bound to those of Persia by a thousand ties, while both were separated by an impassable gulf from the Turks. The Parsees, too, of India had still thousands of their brethren in Persia, which, as their name tells us, was their native land. There was, in fact, nothing to separate the interests of India from those of Persia—nothing to prevent the growth of commerce and goodwill but one iron wall, and that was the Foreign Office, which had expelled Indian officers from posts of influence in Persia, and which sent, and would probably send again, at the instigation of such men as it was in the habit of employing there, an invading army to desolate the provinces of our oldest and most attached Eastern ally. So much for Lord Clarendon's first argument. Of the second he had already disposed, and it was, in fact, a flimsy cobweb, in which none but very weak insects would be caught. The Shah could not be "hurt and offended" at that being done which had already been done in the case of Sir Henry Rawlinson, with his full approbation. But there was no necessity to revert precisely to what was done then. Why should not the credentials of our Envoy to Tehran be drawn out as heretofore at the Foreign Office, but be sealed both at the Foreign Office and the Indian Office; and as for the Persian Envoy, he, of course, could remain, so far as ceremonies were concerned, in the *Corps Diplomatique* under the Foreign Office. But the one essential thing was that the India Office should control the Mission at Tehran, and that the Persian business should be transacted at the India Office, for the obvious reason that all that was important in that business related to India. No one but Lord Clarendon had ever denied that, and his statement was overborne by a cloud of witnesses, from Canning downwards; by Lord Malmesbury and Lord Derby; by two Viceroys of India of oppposite politics—Lord Lawrence and Lord Mayo. Lord Mayo made the following most important statement in his despatch to the Duke of Argyll of the 10th of June, 1869:—

> "Under the existing arrangements, which for some years past has been in force, Her Majesty's Minister at the Court of the Shah is placed under the direct control of the Secretary of State for Foreign Affairs; and while the revenues of India contribute £12,000 a-year for the support of the Persian Mission, no person, who by service in India has obtained experience of those questions which affect the interest of the Empire, is attached to the Embassy. The Secretary of State for India, or the Viceroy in Council, has no power to direct a single act of Her Majesty's Minister at Tehran. All they can do is to ask for information. In the Memorandum drawn up by Sir Henry Rawlinson on the Central Asian question, forwarded to us by your Grace's predecessor, the inconvenience of this arrangement is pointed out, and it is there shown that diplomatic action at Tehran is nearly invariably connected with questions which are intimately mixed up with the policy and interests of Her Majesty's Government in India. It is our duty to explain very fully the whole position of affairs to your Grace, and to point out that the means placed at our disposal render it most difficult in all cases—impossible in some—to carry out with success the policy which has been laid down, and the instructions of Her Majesty's Government."

Even Lord Clarendon's own officers—our Ambassadors at St. Petersburg and Constantinople—disproved his statement. Sir Andrew Buchanan said, in answer to Question 305, that there was very little business connected with Persia transacted through his office. Sir Henry Elliot, answering Question 1,289, stated that he sometimes had not occasion to write to Tehran for eight or ten months, and then again he might have had occasion for two or three months to make frequent communications. It turned out, however, that these communications were on all border questions—"little border disputes," as Lord Lawrence called them, which were of such little importance in the eyes of the Foreign Office itself that it allowed the boundary map to be dawdled over at St. Petersburg for 17 years, from 1853 to 1870, which would have been finished at the India Office in a year. As to the Return given in by Mr. Hammond of the number of letters on the political interests of India addressed during nine years by the India

Office to the Foreign Office, no one should be deceived by that. Sir John Kaye explained that that was merely a Return of answers given by his Office to the Foreign Office when applying for information or advice, and if the Return was scanty that only showed the incompetency of the Foreign Office to deal with the political interests of India. Finally, we have the positive assurance of Sir Henry Rawlinson that during the time he was Minister the only questions of a European complexion with which he had to deal were boundary disputes, and three-fourths of the despatches had relation to India. Besides transacting Persian business at the India Office, it was essential, too, that the officers of the Tehran Mission should be appointed by the Indian Secretary; but he deferred noticing this point till he had replied to Lord Clarendon's other two arguments. His third argument was that it was for our interest to keep Persia out of the Indian circle. Now, of all the countries bordering on India, why should that be said only of Persia? We went to an expensive war to keep Afghanistan in the Indian circle, and expel Russian emissaries; we did not want the French in Burmah; and we sent Malcolm to keep them out of Persia. In 1869, Mr. Forsyth was sent by Lord Clarendon to negotiate with the Russian Government the establishment of a neutral ground between Russia and Afghanistan; and if he could have established a neutral territory between Persia and Russia, it would have been equally for our benefit. What did keeping Persia out of the Indian circle really mean? It meant that Persia should be the focus of European intrigues; that when a war arises Persia would offer herself first to one belligerent and then to the other, as she did in the Crimean War; that Indian refugees in Persia—like Prince Ferúz Shah, the last scion of the house of Delhi—would be continually trying to weave conspiracies against our Indian Government, into which, falsely or truthfully, they would import the names of Russia, or any other European State from which they might hope to get aid. In short, if it was for our interest to keep Persia out of the Indian circle, it was equally so to keep Cabool, Herat, Kelat, Cashmere, and Burmah out of it. "But," said Lord Clarendon, "the progress of Russia in Central Asia would bring Persia every day more and more into the pale of European influences." Here European meant Russian influences; but was that a desirable thing for us? If so, then the advance of Russia into Turkey must be at least equally desirable, for the occupation of Persia by Russia would be a serious danger to our Indian Empire, while the occupation of Constantinople by that Power would not endanger us in any way. But common sense would tell us that nothing could be more undesirable to any State than to have an equally strong or stronger Power advance to its frontiers. The history of the world told us that in all such cases war must sooner or later ensue, and that the more equally matched the Powers, the more terrible would be the collision. We had had war with all our neighbours in India—with the Sindhians, Afghans, Nepaulese, and Burmese; but when our frontier marched with that of Russia the war that arose would be, it was only reasonable to expect, far more dangerous than any India had ever experienced. Our business, therefore, was to keep Russia at a distance. Lord Sandhurst said the other day that it would take a quarter of a century for Russia to sap up to our frontier. Then it was the duty of our statesmen now to look forward to that time. The statesmanship which waited till the enemy was at the gates was not worthy the name. He said, then, let us maintain Persia inviolable as one of the outposts of India, and that would not be done by allowing her "to be brought day by day more and more into the pale of Russian influences." He had done now with Lord Clarendon's arguments, and would come to the question of appointing Indian officers to the Mission at Tehran, and the consequences of substituting for them European diplomatists who had no Indian experience. Lord Lawrence's evidence was very full on this head. He said, in answer to Question 4,988—

> "I consider it most important that the British Minister in Persia should possess a large knowledge of India and its circumstances; that the Secretary of State should naturally be led to make his selection of the chief officers in Persia from those who had served with distinction in India; whereas, in the nature of things, that could not be the case if the Persian Minister were under the Foreign Office."

How true that judgment of Lord Lawrence was Lord Granville had just shown. When Mr. Alison died, General Goldsmid was at Tehran. He was there now, and was engaged in settling the important question of the Perso-Indian boundary. What could have been more opportune? General Goldsmid was admirably fitted for the post of Minister. There were many other Indian officers to choose from. There was, for example, Sir Arnold Kemball, so long the Resident at Bagdad. But, no! there was stagnation in the Diplomatic Service, and Lord Granville feared there would be an *émeute* among its ranks if an Indian officer were elected. He had, therefore, fixed on Mr. Taylour Thomson, who had been 14 years at Valparaiso, where, he was bound to say, so far as he (Mr. Eastwick) knew, he had done good service, and had probably forgotten his Persian and all he knew of Persia by this time. That might be so, but it was certain that the Shah had not forgotten what occurred in 1853 and 1854. On the 4th of November, 1853, Mr. Thomson, then in charge of the Mission, hauled down his flag, and relations were suspended till the 26th of that month. On the 15th of June, 1854, Mr. Thomson wrote to Lord Clarendon—

> "I have appointed Mirza Hashim Khan to be First Persian Secretary of this Mission. His character, in so far so I have been able to ascertain, is most respectable, and he is connected by marriage with the Royal Family."

Now, if Mr. Thomson had had any regard for Oriental feelings, he would never have appointed a man who had married a sister of one of the Shah's wives, and who was in disgrace at Court, to a subordinate post in the English Mission, or to any post in it; and if Lord Clarendon had known anything of Persia he would never have approved such an appointment. To bring a Persian lady of rank connected with the Shah into communication with the Mission was one of the most outrageous things ever done by a foreigner in that country. What was the natural result? Mr. Thomson wrote to Lord Clarendon on the 2nd of September, 1854—

> "The persons about the Court took this opportunity of instigating the Shah to instruct the Sadr Azim to oppose this appointment on account of the rank of Mirza Hashim, and also on account of his connection with the Royal Family."

Mr. Murray arrived soon after, fresh from the Foreign Office, and of course took up the quarrel, but found it impossible to keep Mirza Hashim as Secretary to the Mission. He therefore sent him to Shiraz; but the affair had gone too far, the Sadr Azim imprisoned Mirza Hashim's wife, and wrote to Mr. Murray "a most offensive and unbecoming despatch," as Mr. Murray called it, accusing both Mr. Thomson and Mr. Murray of an intrigue with the lady. Those gentlemen had probably never read the story of Baron Kniphausen, the Dutch Agent, who was imprisoned and forced to pay a heavy fine on a similar accusation. They had, perhaps, never heard of Baron Grüboedoff, the Russian Ambassador, who, on the 11th of February, 1829, was murdered with his whole staff, except the First Secretary, M Malzoff, at Tehran, by the Persians, for sending for two Armenian women who were in the harem of the Asifu u'Daulah. The Sadr Azim, however, knew all about it, and in a letter to Lord Stratford de Redcliffe took credit for saving Messrs. Thomson and Murray from the same fate. On the 4th of November, 1855, Mr. Murray notified to the Sadr Azim the appointment of Mirza Hashim to Shiraz, and on the 20th of the same month he reported to Lord Clarendon that he had struck his flag. On the 26th, the Shah himself wrote to the Sadr Azim—

> "Mr. Murray's object is this—forcibly to take our wife's sister. Our commands are that we will not submit to this indignity."

In fact, the Shah twice issued an order to put the lady to death, a command which was with difficulty evaded. The sequel of the story was well known; Mr. Murray went to Bagdad, and the Persians seized the opportunity, marched on Herat, and took it, whereupon ensued the Persian War, which was thus originated by the *employés* of the Foreign Office, peace being restored by an Indian officer, Captain Lynch. Lord Granville had now appointed one of those *employés*, a gentleman personally odious to the Shah, to be Minister at Tehran. Truly the English were a long suffering people, but if they should be plunged into a second Persian War by the caprice of a Minister who selected the very most improper person in the whole world to be our Minister at Tehran, he believed even their patience would break down. For his part, he did all he could to prevent this mistake. He gave Notice of a Question which implied that the appointment of a successor to Mr. Alison should be postponed till after this debate. The noble Lord opposite (Lord Enfield) asked him to postpone that Question, and in the meantime Lord Granville hastened to recommend Mr. Thomson to the Queen. That was, perhaps, scant courtesy to him; but he did not complain of that; all he did complain of was that the public interests should be wantonly sacrificed to gratify the love of patronage of the Foreign Office. And now he had done, he left to others to ask why India should pay all and the Foreign Office place all. On that head he should merely refer to the homely words of Dundas, Lord Melville. "India," he said, "pays the piper, and India ought to have some of the patronage." Nor would he stir up scandals that were dead, and would only say there had been scandals in Persia before which even what had now happened would sink into insignificance. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Sir CHARLES WINGFIELD, in seconding the Motion, said he would take occasion to observe that he looked with no jealousy on the advance of Russia in the East; on the contrary, he believed that she had a great mission to perform there, and he could contemplate with calmness the prospect of the absorption of the whole of Turkestan by her. All would agree that our diplomacy in Persia was essentially an Eastern question, and must depend mainly on considerations of Indian policy. It therefore appeared to him to be extremely desirable that our Minister in that country should be in intimate communication with the Viceroy of India, and in corroboration of that view, the Shah complained that no member of the Mission was acquainted with Indian interests. At the same time, however, he could not help regarding it as the most natural arrangement that our Minister in Persia should be subordinate to the Secretary of State, with whose Department the business which he had to transact was most intimately connected. A great stimulus, he might add, would be given to the acquisition of the Persian language if employment in that country were thrown open to Indian officers. By far the most efficient Ministers whom we ever had in Persia were Sir James Malcolm and Sir Henry Rawlinson, because of their knowledge of Oriental manners. They were extremely acceptable to the Shah, and possessed great influence with him; Sir Henry Rawlinson alone, of all the foreign Ministers, was during his residence at Tehran admitted to private interviews with the Shah. Moreover, the advantages, according to Lord Lawrence, of substituting one Secretary of State for another was to be found especially in the selection of officers, and it was deemed advisable by those best qualified to give an opinion on the subject that, even if the Mission remained under the Foreign Office, the officers should be selected by the Secretary of State for India. With regard to the payment of costs, if the Motion of his hon. Friend were adopted, he would not at all object to see the whole of the costs borne by India. If, however, the present arrangement were adhered to, he thought the proportions now borne by this country and India should be reversed, and that three-fourths should be borne by England, and the remaining fourth by India.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the recommendation of the Diplomatic Committee of last year be carried out, viz. that the control of our relations with Persia be transferred to the India Office, or that the payments for the expenses of our mission in Persia be readjusted,"—(*Mr. Eastwick,*)

—instead thereof.

Mr. BOURKE thought the proposal of his hon. Friend (Mr. Eastwick) was one which must commend itself to the good sense of the House. Nobody at all acquainted with Oriental affairs could, in his opinion, fail to see that the qualifications necessary for a Minister to Persia were of a very special character. He ought to be a good Oriental scholar, and to possess an intimate knowledge of Oriental affairs—qualifications which it would be difficult to find among diplomatists sent out by the Foreign Office. It was natural that a person who had always been connected with the Foreign Office and European Courts should, when he found himself in an Eastern Court, turn his eyes towards the West, and cherish Western ideas and associations.

The contrary ought to be the case with a British Minister in Persia, and instead of turning his face to the West, he ought to turn his attention to the East, because the only means by which good could be done in introducing civilization and progress into Persia was through India. It was desirable that intercourse should exist between the Minister of Persia and the Government of India in the interest of both countries. In the interest of Persia, because Persia wished to be powerful and independent, and the best way to teach her was through the Government of India. We had no feeling of aggression towards Persia—no desire for territorial aggrandizement at her expense. We were ready to go with Persia, and to lend her our influence in introducing the same civilization which we were endeavouring to establish among our own fellow-subjects in India. It was further desirable that Persia should understand that in case of need and under certain eventualities, we should be ready to support her, and that the Government of India would stretch forth its arm in vindication of her national rights, and in support of that independence which we knew she was anxious to maintain. On the other hand, it was, above all things, most desirable in the interests of India that she should entertain the most direct and intimate relations with Persia, for what was called the foreign policy of India was most intimately connected with Persian politics, and there was hardly one question of importance connected with the foreign policy of India that could not be said to touch upon Persian politics. Take, for instance, the questions that arose from time to time with regard to our Central Asian relations and our Afghanistan policy, and those matters connected with her boundaries which in this country might be called minor questions, but which were of the greatest importance to Persia and India, and which, if not managed with the greatest discretion, might produce results which all might deplore. All these were questions with which the Government of India was daily obliged to interfere, and to which it paid the greatest attention. Did it not, therefore, follow as a matter of common sense that the same Department which had to do with all those questions of the foreign policy of India, should also manage those which were intimately associated with that policy? Questions of boundary were continually arising, and every person connected with the Government of India would be ready to admit that these and other matters would have been more satisfactorily and rapidly arranged had the Secretary of State for India been able to communicate directly with the Persian Minister. He quite agreed with his hon. Friend who had last spoken, that apart from India England had no interest in connection with Persia, and he could not conceive that England would for one moment think it necessary to keep up a Minister and a diplomatic Mission at Tehran if it were not for our Indian Empire. In conclusion, he thought that if it could be shown that it was desirable for the interests of India that this change should take place, it was for the interests of England also. Entertaining those opinions, he should vote for the Motion of the hon. Member for Penrhyn.

VISCOUNT ENFIELD said, he wished at the outset to take exception, and very strong exception, to one remark made by the hon. Member for Penrhyn (Mr. Eastwick)—namely, that it was the duty of the Secretary of State to be bound by a Resolution agreed to by a Committee of that House. If that rule was to hold good, even though the Resolution might have been passed by a considerable majority, it would be a practical transfer of the duties and responsibilities of the Minister of the Crown to that House. Now, he apprehended that it was the duty of the Secretary of State, when a Committee of that House was appointed to investigate any subject which came under his Departmental knowledge, to be guided by the conclusions at which that Committee might have arrived, so far as he thought those conclusions consistent with his duty and the interests of the public service; but it was not his duty to be bound by the decision agreed to by any such Committee contrary to his own sense of what was most expedient. The hon. Member had discussed the state of our relations with Persia within the last few years. Well, with regard to that, at the present moment there were no complications between us and Persia. Two Commissions of Arbitration had been appointed for fixing the boundary line between Persia and Mekran and Seistan. The first had completed its task, subject to some trifling rectifications, to the satisfaction of both parties; the latter had for a time suspended its labours. If, however, these Commissions should be carried out to their legitimate end, Persia would have a well-defined Eastern frontier and escape any collisions with her neighbours. In the Charbar and Bandar Abbas matters of dispute between Persia and Muscat, the English Government, being friendly to both parties, would not interfere; while with regard to the internal questions of Persia, the melancholy suffering from famine in that country might probably account for the insecurity of life and property along the public roads, but there was no other difficulty with regard to our relations with that country. For 12 years the late Mr. Alison had represented English interests with credit, fidelity, and efficiency at the Court of the Shah, and accounts received from Persia said that his death was the occasion for sincere sorrow on the part of all classes. The brief history of the position of the Persian Mission from this country was this—Towards the end of the reign of Fettah Ali Shah, Sir John Campbell, Envoy to the Court of Persia from the Governor General of India, officially reported that as merely accredited by a subordinate Government, he had not the power and influence which a Minister would have who was directly named by the Crown of England. When Mahomed Shah ascended the Throne, a Mission from the Crown instead of from Calcutta succeeded, and in 1835, Sir Henry Ellis went to Tehran as Envoy. From 1835 to 1858 the Minister at the Court of the Shah was accredited direct from the Crown of England. In November, 1858, it was proposed that a change should take place, the purport of which was to transfer to the India Office the superintendence of the British relations with Persia. It was, however, stipulated that the Foreign Secretary should be kept fully informed of all the diplomatic transactions with the Court of Persia. In accordance with the proposed change, therefore, and under certain conditions which were made a *sine quâ non,* Sir Henry Rawlinson accepted the appointment, and was for some months the representative of England at Tehran; but when, in October, 1859, the Foreign Secretary proposed, with the entire acquiescence of the India Office, to resume the conduct of Persian diplomatic relations, Sir Henry Rawlinson resigned. There was one point in respect of which he thought his position would be affected, and that was in his not being allowed to continue his presents to the Shah. In the evidence which Sir Henry Rawlinson gave to the Select Committee on this point, he hardly did himself or his country full justice, for it was impossible to believe that his influence at the Persian Court depended on the presents he was able to distribute there. The Shah had a Civil List amounting to some £400,000 a-year, and was not, therefore, likely to be influenced by presents at the disposal of the British Minister of the total value of, perhaps, £1,500 a-year. The influence of a man like Sir Henry Rawlinson at Tehran depended on his position, his ability, his intimate knowledge of Eastern politics; it depended on the man, and not on the question whether it was in his power to give away a certain sum in presents every year. In October, 1859, a re-transfer of diplomatic proceedings was effected, and this remained up to the appointment of the Committee in 1870, before which Committee Lord Malmesbury, Lord Derby, Lord Lawrence, Sir John Kaye, Lord Clarendon, Lord Halifax, Sir Henry Bulwer, Mr. Hammond, and other witnesses were examined. As to the evidence before that Committee, it was true that some distinguished witnesses advocated the transfer, though Lord Derby, whose name had been mentioned by the hon. Gentleman, was not very decided in his approval. But the evidence of Sir Henry Bulwer, Lord Clarendon, Lord Halifax, and Mr. Hammond was very decided against the transfer. Sir Henry Bulwer thought it better to leave our relations with Persia in the hands of the Foreign Office, though he added that the India Office ought occasionally to be consulted; and Lord Clarendon had no doubt whatever that we ought to bring Persia within the European circle, instead of keeping it within the Indian circle. As to Mr. Taylour Thomson, it was true that a letter was circulated in 1854, supposed to be written by him, which, if he were really the author, was inconsistent with his further employment, but Mr. Taylour Thomson indignantly denied that he had written the letter, stating that it was a complete fabrication. The war with Persia mainly originated in the conduct of that country towards Herat, and in the insults offered to Englishmen. The hon. Member and other speakers had dwelt upon the fact that Oriental experience was needed in any diplomatic appointment at the Court of Persia. But the *Foreign Office List* showed that Mr. Taylour Thomson had had ample experience of this nature. But then it was said that the appointment of Mr. Thomson would be highly objectionable at Tehran, and would be regarded as an affront at the Persian Court. Now, to those statements he could give an official contradiction. Very soon after it was rumoured that Mr. Taylour Thomson had been appointed British Minister at Tehran, the Persian Minister here said he thought the appointment would not be acceptable. Thereupon a telegram was sent to Tehran, the substance of which was—

> "The Persian Minister here objects to the appointment of Mr. Taylour Thomson to succeed Mr. Alison as Her Majesty's Minister at Tehran, alleging that he was the cause of the last war. Ascertain whether the Persian Minister makes this statement by order of the Persian Government, and the grounds on which it is made."

On the 5th of July the answer came—

> "The Grand Vizier states that the Persian Minister has not been authorized to make any objection whatever to the appointment of Mr. Taylour Thomson as the successor of Mr. Alison. Instructions had been given to telegraph to the Persian Minister to express the satisfaction felt by the Persian Government with the appointment in question."

Now, he thought, whether the House accepted or rejected the Motion of the hon. Gentleman, we ought to ask ourselves, would it, on the whole, be advisable, in cosmopolitan interests, to place the Persian Mission under the India Office? The answer would appear to be that where Representatives of great Powers like Russia, France, and Turkey were accredited by their Sovereigns and their Governments, England should also have a diplomatic Representative appointed by her Sovereign, and not by the Viceroy of India. Again, would it be just and considerate to the Shah himself to make this change? The Shah was an independent Sovereign, owing us no homage or allegiance, but solicitous for our friendship and goodwill, and had, therefore, the right to be treated as a member of the family of nations, and not as a vassal or as a tributary; and, further, he knew that a Minister appointed by the Queen must be higher than one appointed by the Secretary of State. Then, was the choice of a Representative to be restricted to members of the Indian service alone? No one could question the fidelity, the gallantry, and conspicuous abilities of the Indian service, but Lord Granville was not prepared to restrict the choice of a representative of England at Tehran to any one branch of the public service, whether at home or abroad. Should the arrangement be altered, moreover, by which it was deliberately agreed in 1836, with the full assent of the Court of Directors of the India House, that a charge of £12,000 upon the Revenues of India should be made towards defraying the expenses of the Persian Mission? He thought no fair reason could be assigned for upsetting that arrangement, and a glance at the expenditure would show that the surplus charge had been in many years provided for out of Imperial funds according to the deliberate arrangement which had been sanctioned upwards of 35 years ago. Finally, he hoped the House would agree by their vote to-night that the rule for our relations with Eastern Courts should be, that where there were Representatives of other European Powers, English relations should be conducted by the Foreign Office; in countries where no nation but Great Britain was represented, her relations should be under the direction of the Viceroy of India. He therefore asked the House, with all respect and all confidence, to negative the Motion.

MR. STOPFORD-SACKVILLE said, that if he had any complaint to make against the Government, it was not so much that they were unwilling to carry into effect the recommendations of the Select Committee, but that they were too ready to appoint a Committee, and to throw upon it a responsibility as to diplomatic services which ought to rest upon themselves. Whatever might be the result of the Motion, there could, he thought, be but one opinion as to the interesting speech in which it had been introduced, and he must congratulate the House on having among its Members an hon. Gentleman so thoroughly acquainted with Persian policy as his hon. Friend the Member for Penrhyn (Mr.

Eastwick). He should not on the present occasion deal with the larger question involved in the Motion; but as to the minor point, was it fair or just that we should say, on the one hand, "the affairs of Persia are so far Indian that India must bear almost the whole of the expenses of the Mission;" and, on the other, "they are so far European that we shall put the whole control of the Mission in the hands of the Secretary for Foreign Affairs?" Those who had heard the evidence which was given before the Committee by men of the highest experience could not help arriving at the conclusion that such a mode of proceeding involved an extraordinary anomaly, and that was the opinion, among others, of Sir John Kaye. One of the witnesses who had been quoted in opposition to the Motion was Lord Halifax, and nobody had a greater respect than he (Mr. Stopford-Sackville) had for that noble Lord's Indian authority on Indian affairs; but Lord Halifax said, in his evidence before the Committee, that although he had altered the arrangement which had been made by Lord Malmesbury, he thought India paid far too highly towards the expenses of the Mission, and that a fair proportion would be half-and-half instead of £12,000 being paid by India and only £3,000 by this country as was now the case. When, he might add, the affairs of India were directed by the East India Company, there might be an advantage in accrediting a Minister to the Shah of Persia, through the medium of the Foreign Office, as otherwise he would not have represented the Sovereign; but now that the Foreign and Indian Offices were all alike, under Secretaries of State of equal rank, that reason disappeared. He had made these remarks because it was upon his suggestion that the Committee had recommended a readjustment of expenditure; and to this hour he could hardly understand how the present arrangement could be defended.

Mr. BOUVERIE said, that as Chairman of the Committee to which reference had been made, he would point out that the recommendations of the Committee, though not perhaps worded very strongly, were clearly in favour of the proposal of the hon. Gentleman opposite. The question was one of considerable importance and the Committee heard the evidence of the highest authorities on both sides. On the one side were Lord Clarendon and Lord Halifax, whose views on the subject were those of Lord Palmerston; on the other side was the equally high authority of Lord Lawrence, Sir Henry Rawlinson, and Sir John Kaye. The House would observe that the former authorities consisted of Ministers of State who had Foreign Office experience, while the men who were opposed to them were persons who possessed a great knowledge of Oriental Courts and the management of Oriental affairs, which was the real point at issue that evening. The point, however, they had to consider was this—not whether the Foreign Office or India Office should have the appointment of the Representative at the Court of Tehran, or whether he should be a gentleman belonging to the one service or the other, but by what class of men could our relations with Persia most probably be best conducted. Because, with regard to the Home administration, it mattered very little who was to have this appointment, whether it was the noble Lord at the head of the Foreign Office or the noble Duke at the head of the India Office. They would both equally make the best choice they could, and it was obvious, as they were both in the Cabinet, that what was known about Persian affairs of importance by one would be immediately known to the other. But the real point for consideration was, whether the best field of choice for officers to represent the Crown in Tehran was likely to be offered by the diplomatic service, which was very limited in number, and whose experience had been confined to European Courts, or by the larger number of public officials engaged in the public service in India, and acquainted with the customs and feelings of Orientals, and who possessed a knowledge of their language. If the choice lay with the Foreign Office they might depend upon it that the officer selected would be from the diplomatic service; and if it lay with the Secretary of State for India, he would look for an officer qualified to be Representative at the Court of Tehran in the Indian official service. He thought the Committee arrived at a rational conclusion in this matter. It also occurred to the Committee—though they did not express a very strong opinion on the point—that if it appeared to the Government that the whole question should be decided by

European considerations in reference to Russia and Turkey and the general diplomacy of the world, then the charge of this Mission should not be laid on the shoulders of India. Either the Mission was an Indian affair mainly depending for its importance on the closeness of the relations between India and Persia, and then the charge could fairly be put on the Indian Revenues; or, if it was considered of European character connected with European diplomacy and with efforts to keep peace all over the world, then there would not be the shadow of a pretence for placing the charge on the Indian Exchequer. That was the common-sense view entertained by the Committee, and if the hon. Member for Penrhyn (Mr. Eastwick) went to a division, he would support him.

MR. W. C. CARTWRIGHT said, he wished to direct the attention of the House to the weakness of the evidence given before the Committee in favour of the proposal now before the House. One of the principal arguments adduced by those who were in favour of that proposal consisted in animadverting on the delay occasioned by what they called the present dual government. But Sir John Kaye, in answer to a question put to him by the Committee, declared that no serious delay arose in consequence of the dual government. With regard to the objection of dual government it was rather remarkable that Sir Henry Rawlinson, who was most strongly opposed to the retention of the Persian Mission under the Foreign Office, when asked if he would also put all the Consular offices in Persia under the India Office, replied in the negative, because, he said, there was no Consular service in India. It seemed to him that that showed the singular weakness of the whole case. If they transferred the Persian Mission to the India Office because it was an Oriental Mission, they must, for the same reason, transfer the Chinese and Japanese Missions. The charge was one which struck against the knowledge, capacity, efficiency, and organization of the Foreign Office. These were the general grounds on which he had in Committee opposed the views of the hon. Member for Penrhyn, and if he went to a division he would vote against his Resolution.

SIR STAFFORD NORTHCOTE said, he wished to say a very words on this question, which was not altogether free from difficulty. At the same time, he was bound to say that, so far as his judgment went, there was very great force in the argument of his hon. Friend the Member for Penrhyn (Mr. Eastwick), who had introduced the subject, supported, as it had been, by his right hon. Friend opposite the Chairman of the Committee (Mr. Bouverie). He looked with considerable interest to the verdict given by the right hon. Gentleman, because he approached the question from an independent point of view. He himself, so far as he had anything to do with the matter, of course did not altogether approach it from an independent point of view, having been some time ago the representative of the Indian Government; for, as such representative, he certainly felt that it would have been desirable with reference to Indian interests that the Indian Government should have more direct connection with the Persian Mission than it had. From his personal knowledge while at the India Office, he could confirm that it was perfectly true that all despatches and communications were sent to the India Office for information; but at the same time there was a good deal of difference between receiving despatches sent by another office, and on the authority of that office, merely for information, and directing those despatches yourself, and there could be no doubt that the responsibility felt by the India Office on the mere receipt of a despatch was not so great as if the direction of the Mission rested with it. The hon. Gentleman who had just sat down put the matter on a ground which, though taken by others, was not exactly the correct ground on which the Motion rested. He said, if the Persian as an Oriental Mission should be transferred to the India Office, so should the Chinese and Japanese Missions be transferred. But it was not because this was an Oriental Mission, and that gentlemen best acquainted with Oriental affairs would often be found among the Civil Servants of the Indian Government, that it should be transferred to the India Office, but because the affairs of Persia were peculiarly connected with the affairs of India. The diplomatic relations between this country and Persia affected Indian interests in a very different way from our communications with China and Japan, and there were a great many questions affecting the affairs of Persia which did very closely touch the conduct of Indian affairs. For instance, when he was at the India Office —and no doubt it was the same now—there were many questions affecting the state of affairs in the Persian Gulf; and it must be borne in mind that the Indian Government was considered responsible for the maintenance of order in the Persian Gulf; that there was a Resident in the Persian Gulf in direct communication with the Government of India, and there were continually questions arising connected with the affairs of the Chiefs on either side of the Gulf, which did more or less bear upon and affect the politics and proceedings of Persia, and also very closely on India. He thought, therefore, it was very desirable —it was essential—that the Indian Government should be informed of what was passing between India and Persia, and should have its say with regard to the communications between them. No doubt it was better that those communications should be direct; but if there were reasons to overpower that, the next best thing was that there should be free communication as there had been between Lord Derby and himself. In that way they might, to a great extent, gain the advantage desired, though not so completely as if the Mission were put entirely under the India Office. At the time he held office there was no difference between Lord Derby and himself, because Lord Derby held very strongly the same views he entertained himself—that it would be better that the Persian Mission should be directly under the India Office. Indeed, he had formerly made arrangements with that view; but inasmuch as the Government which succeeded him had reversed his policy, and put the Mission back under the Foreign Office, he felt it was not desirable that they should of their own Motion attempt to reverse that arrangement unless they had some confidence that what they did would be permanent. It appeared to him, with great reason, that it was very objectionable that repeated changes should be made in this matter—that one year this Mission should be under the Foreign Office, next year under India, and the third year under the Foreign Office again. Instability in such a matter was very much to be regretted and deprecated. Therefore he felt some delicacy in urging a change, unless it was a change which recommended itself to those in authority and they were prepared to give their sanction to it. At the same time, any change of this kind was not to be considered as lowering the Persian Mission. That would be very objectionable. If the Government of this country were to say—"We do not intend to send to Persia a direct representative from the Sovereign of England, but a representative of the Viceroy," the Shah of Persia would have cause to complain; but that was not what his hon. Friend proposed. He proposed that the Envoy should go direct from the British Crown, but that he should be in correspondence with the Secretary of State for India rather than with the Foreign Secretary; and it seemed to him that this might have been arranged without giving offence to the Shah. Upon the whole, his opinion decidedly was in favour of the Motion; and it seemed to him that in the form in which it was made it was difficult to resist. The form was that either the Mission should be transferred to the India Office, or that the financial arrangement should be revised; and the meaning of the second branch of the alternative was that the two-thirds or three-fifths of the expense which was paid by the Indian Government should either be put under the management of the Government which mainly had to pay for it, or that that Government should be relieved of the expense. He supposed that the reason why the Government of India was charged with this expense was that which had just been suggested — namely, that Indian and Persian affairs were connected, and India had an interest in what we did there. Therefore it was said, if this be so, let us transfer the Mission; if it is not so, let us relieve India of the expense. Upon these grounds it appeared to him that his hon. Friend had made out a case which, so far, had not been answered.

Mr. GLADSTONE said, this was a case of difficulty and of divided authority, and one in which it would not be wise on the part of the House to interfere. The right hon. Gentleman opposite (Sir Stafford Northcote) had unintentionally fallen into error in stating that Lord Derby entertained a strong opinion in favour of this transfer, for Lord Derby himself said that he had no strong opinion on the subject, but, on the whole, he was inclined to prefer the system which placed Persia under the India Office. The right hon. Gentleman also commended the form of the Motion, but it was exceptional in this—that it combined together alternative propositions which really had no connection. The one was a political proposition of great importance and delicacy; the other was a mere financial arrangement, fit to be discussed in Committee of Supply. He objected altogether to placing these propositions as alternatives the one to the other, and to the assumption that the adoption of one necessarily excluded the other—a point which had not been argued and as to which the hon. Mover of the Resolution might fall into a trap. The right hon. Gentleman assumed that the intention of the hon. Mover was that, if the Mission were not transferred, the expenses should be charged to England; but that was not required by the terms of the Motion; that merely required that the expenses should be readjusted; and it would be a full compliance with the terms of the Resolution if India, instead of paying £12,000 a-year, were made to pay the whole expense of the Mission. The question of the division of expense appeared to him to be one for discussion in Committee of Supply, and not one which it was convenient to mix up with the larger question. With respect to looking to the Indian Service for the choice of the agents by whom the business of the Persian Mission was to be conducted, he would say it was a good thing that all services should be carefully watched by the House of Commons, because they were all apt to fall into a species of exclusiveness, each preferring its own members, habits, and traditions. He would not, however, give an opinion adverse to the general view expressed that it would be proper to select persons of Indian experience for the Indian Mission. With respect to the main question, the transference of the Mission to the India Office, he did not admit that it was the duty of the Ministry to give effect to the recommendations of the majority of a Committee. That was authoritative evidence with which a Minister might enter upon an investigation; but it would never do to lay down the principle that a Minister could shield himself from responsibility under such a recommendation. Further, the scope of the Committee's inquiry was limited by the Order of Reference; for as the Committee was appointed to inquire into the constitution of the Diplomatic and Consular Services, it exceeded its powers by dealing with a question of this nicety; and if such a question had been referred to it, it would have been the first time Parliament ever appointed a Committee for such a purpose; it would have handed over to a Committee a matter properly reserved for the Executive Government, subject to the review and correction of the House. In fact, the system under which the affairs of the Persian Mission were managed had existed for 40 years, with the exception of a single year, and the House was now called upon to alter it on the Resolution of a Committee which was not appointed to consider the matter. Was that a matter in which the House could interfere with safety? Lord Malmesbury altered the present system after an experience at the Foreign Office of 12 months; Lord Palmerston adhered to the present system after as experience of 15 years or more as Foreign Secretary, and constant attention to the affairs of the Foreign Office after he had quitted it. Lord Clarendon, a most experienced Foreign Minister, adhered to the present system, Lord Malmesbury altered it after a year's experience, Lord Derby had no very strong opinion on the matter; but Mr. Hammond, no mean authority, supported the present system, and so did the present Foreign Secretary. In that condition of divided authorities, there being, however, a great preponderance of those who had long Parliamentary experience and long official practice in the Foreign Office in favour of the present system, it would not be safe to accede to the Resolution. There was another point of which no notice had been taken, and that was that the Court of the Shah was attended by Ministers who in every case formed a portion of the regular diplomatic service, of their respective countries. Under these circumstances, it would have a tendency to lower the position of those who represented the Queen in the eyes of the Shah, if this change were made. It was very material to observe that Lord Clarendon had not scrupled to state his strong conviction that the Shah would not approve the transfer. His right hon. Friend had conceded what he (Mr. Gladstone) believed to be the main point, when he said that if those who were responsible for the conduct of affairs were not willing to accept a transfer of this kind, it ought not to be made, and he would not wish that the House should force it upon them. But, at all events, his right hon. Friend said that England ought to pay for the Mission. He would not enter upon that point now. But the way he would presume to put the matter was this—The affairs of the Persian Mission were really, and to a very substantial purpose, part of the foreign affairs of India; but with respect to the foreign relations of India, it had been held that the whole of that portion of them which touched on the northern frontier of India was more appropriately, conveniently, and effectively lodged in the hands of the Foreign Minister than of the Indian Government. In that case it might be said that India ought not to pay for the Persian Mission. That was a matter for discussion. But if we acted in the interest of India, and placed these functions in the hands of the Foreign Minister, because we thought he would be best able to defend the interests of India, would it be said that it was not right to throw the expenses on the Indian Exchequer? But, in conclusion, upon the main question he hoped that the House of Commons would not consent to interfere against the weight of authority on the part of those who had been engaged in the conduct of foreign affairs—a weight of authority amounting to nearly an unbroken chain for many years.

Mr. KINNAIRD, as a Member of the Committee which sat on the subject, said he must contend from the following terms of the Order of Reference:—

> "To inquire into the constitution of the Diplomatic and Consular Services and their maintenance on the efficient footing required by the political and commercial interests of the country,"

that they had not gone out of their Reference, and unless the proceedings of the Committee were a farce and a sham the matter had been referred to them in the most distinct manner. The plain common-sense view of the question was at variance with the judgment of the Prime Minister. What were the interests most affected? Were they those of England? Not a bit. Persia was contiguous to our Empire in India, where we had an Administration and a Council which were, he believed, unanimous in their opinion that the interests of India were sacrificed. He maintained, having looked anxiously into this question, that the interests of this country required that our Persian Embassy should be represented by some one thoroughly acquainted with our Indian affairs, and that, compared with the Government of India, our Government at home knew very little about our Persian relations. He trusted the House would adopt the Resolution of his hon. Friend.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 90; Noes 60: Majority 30.

ARMY—CAVALRY REMOUNTS.

OBSERVATIONS. QUESTION.

Mr. BROWN, in rising to call attention to the present system of purchasing Remounts for the Cavalry, and to ask what steps were being taken to remedy the evils of the present system, said, that under the present system agents were employed to attend different fairs for the purpose of purchasing horses, and the result was that the sellers took advantage of the competition to raise the prices to the injury of the public service. At present the arrangements for procuring remounts were defective, and as instanced in a recent purchase of 683 horses, the colonels of different regiments competed with each other in obtaining them, not always getting those horses which were best suited for their own branch of the service. If the country, however, were divided into districts for this purpose, those who purchased the horses could have the power of drafting them off to those places where they were most required. He wished to know what steps had been taken to remedy the evils of the existing system, and to prevent the competition of colonels in the purchase of remounts for cavalry?

Sir HENRY STORKS said, he would admit the importance of the subject, but thought there was no Army in the world which was better mounted than the British. The hon. Member asked what steps were being taken to remedy the existing state of things. He could not, for his own part, see that any such steps were necessary; but if the hon. Member would be good enough to give him in writing the plan which he suggested, he would examine it with much pleasure. Certainly the cost of cavalry horses had greatly increased of late; but everybody who bought horses knew that the prices had risen generally. After adducing detailed statistics of the present establishment of horses for the various branches of the service, the right hon. and gallant Gentleman said he did not think that the cavalry would be so well mounted as they were unless the colonels of regiments had the power of buying horses, nor, though horses were no doubt becoming dearer, that that fact was owing to the competition of commanding officers.

DURHAM CHURCH LEASEHOLDS.

OBSERVATIONS. QUESTION.

MR. STEVENSON, in rising to call attention to the continued dead-lock in the administration of the estates of the Dean and Chapter of Durham, and to ask the Secretary of State for the Home Department, Whether he is prepared to take any steps to put an end to the present anomalous position of the Durham Capitular Estates which had passed from the control of the Dean and Chapter, but not into the hands of the Ecclesiastical Commissioners, and to enable the intentions of Parliament to be fulfilled with regard to the enfranchisement of leasehold interests and the endowment of benefices, said, the Church Estates Commissioners had sanctioned the enfranchisement of upwards of 600 leasehold interests in the property of the Dean and Chapter, and the rateable value of South Shields had increased 70 per cent as a consequence. But this beneficial system had been entirely arrested for the last three years, and a complete dead-lock had ensued. No doubt while negotiations were pending it was necessary that some time should elapse during which no dealings with this property should take place; but a most unreasonable delay had taken place, and it was now quite time that there should be some alteration. He knew that, contrary to the intention of the Ecclesiastical Commissioners, much of this delay had been caused by the presentation of a Petition to the Privy Council, against the scheme of the Commissioners, from a number of lessees. It had been suggested that he should use his influence to induce the withdrawal of the Petition; but he must have some means supplied to him of using to advantage whatever influence he might possess, and he should be glad if the Commissioners could hold out a prospect of so equitably and liberally dealing with these estates as to remove the objections of the Petitioners. The renewal of their leases had been stopped for two years, and the owners of leasehold estates, which had been in their families for generations, were brought face to face with an extinction of their interests and were denied the opportunity of enfranchisement which Parliament intended. The delay was causing great individual loss, while it prevented public improvements, and was injurious to the Church.

MR. BRUCE understood that the hon. Gentleman did not blame the Ecclesiastical Commissioners in this matter. The delay arose, not from any want of attention on their parts, but from the fact that the lessees had delayed to put in their case. However, since his attention had been called to the matter he had inquired into it and had learnt that every effort would be made to remove the evils which were complained of. He trusted that that assurance would satisfy his hon. Friend.

CRIMINAL LAW—"TICHBORNE v. LUSHINGTON" — PROSECUTION OF THE "CLAIMANT" FOR PERJURY.

QUESTION.

MR. WHALLEY, who had given Notice to call attention to this subject and to ask a Question of the Home Secretary, rose pursuant to Notice.

MR. SPEAKER pointed out that as the Home Secretary, of whom the hon. Gentleman proposed to ask the Question of which he had given Notice, had already spoken on the Question that he should leave the Chair, the right hon. Gentleman would be unable to reply.

MR. WHALLEY said, he would in that case ask the question of the First Lord of the Treasury. ["Spoke!"] Then he would ask it of the right hon. Gentleman the Chancellor of the Exchequer. He would ask the Chancellor of the Exchequer, Whether he will instruct the Solicitor of the Treasury to investigate such evidence as might be brought to his notice, with a view to providing the means of bringing forward the same on the trial, in the event of its appearing to him to be material either on the part of the prosecution or of the defence? There had been very large meetings at Millwall, Newcastle-upon-Tyne, and other places on this subject, and there were many other places which had desired to hold meetings. He held that the claimant was an injured, and almost a persecuted man. It was impossible for him to be heard unless adequate means were provided. He was convinced, from circumstances within his knowledge, that this man was not an impostor, but that he was the man he professed to be. He said this, although he had been warned from mixing himself up with the claimant. Still, there must be a large proportion of the House who would feel that the conclusion should not be come to that the claimant was guilty until he had been tried. That was the opinion expressed by multitudes who were earnest in their views, and had formed them deliberately. The people of this country would not be doing their duty if they should allow the claimant to be prosecuted at the expense of the public when he had no means of defence. He should like to know whether the charge about the tattoo marks had been abandoned? He admitted the power of the speech of the Attorney General on this question, but there were some portions of it which it was not very easy to understand. He had received a letter from the Solicitor of the Treasury, declining to make the investigation asked, and he had now to put the Question of which he had given Notice to the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER, in reply, strongly condemned the practice of hon. Members reviewing the decision of juries and Courts of Law in cases still undetermined, and parading the country to take part in public meetings, which the hon. Gentleman had himself characterized as scandalous and subversive of justice. If the case were an ordinary one, he should, in answer to such a Question, at once say that the Government would refuse to adopt the suggestion; but when the request was coupled with the statement that the course now adopted would lead to the collection of sufficient funds, the question became at once ludicrous and absurd. Even if this were an ordinary case, no such instructions as the hon. Member spoke of would be given to the Solicitor to the Treasury, but when the claimant was going about the country to solicit subscriptions for his defence, the giving of such instructions to the Solicitor to the Treasury would be absolutely ludicrous.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered* in Committee.

Committee report Progress; to sit again upon *Monday* next.

BASTARDY LAWS AMENDMENT BILL.

(*Mr. Charley, Mr. Thomas Hughes, Mr. Eykyn, Mr. Whitwell.*)

[BILL 109.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Justices in petty sessions may make an order on the putative father for maintenance and education of bastard child, and enforce the same by distress and commitment).

MR. MONK moved as an Amendment that the maximum allowance should be fixed at 5*s*. per week.

Amendment proposed, in page 2, line 29, after the word "weekly," to insert the words "not exceeding five shillings a-week."—(*Mr. Monk.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 12; Noes 28: Majority 16.

Clause *agreed to*.

Clause 5 (Time of cessation of order).

On the Motion of Mr. STANSFELD, Amendment made, in line 29, by leaving out "sixteen," and inserting "thirteen."

MR. STANSFELD moved an Amendment providing that the magistrates should have the power, where they thought it desirable, to direct that the order should continue in force for the space of 16 years, instead of the shorter period.

Amendment proposed,

In page 3, line 29, after the word "child," to insert the words "Provided, That the justices may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period."—(*Mr. Stansfeld.*)

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 33; Noes 2: Majority 31.

Clause, as amended, *agreed to.*

Remaining clauses *agreed to,* with Amendments.

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* next.

House adjourned at a quarter before Three o'clock, till Monday next.

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HOUSE OF LORDS,

Monday, 15*th July,* 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Ecclesiastical Dilapidations Act (1871) Amendment* (211); Public Schools Act (1868) Amendment* (212).

Committee — Sites for Places of Worship and Schools, *now* Sites for Places of Worship, &c. (*re-comm.*)* (206-214).

Committee — *Report* — Treaty of Washington* (191); Drainage and Improvement of Lands (Ireland) Acts Amendment* (184).

Third Reading—Queen's Bench (Ireland) Procedure* (159); Colonial Governors Pensions* (196), and *passed.*

MERCHANT SHIPPING CODE BILL OF 1871.—QUESTION.

THE EARL OF BELMORE asked Her Majesty's Government, Whether they have any objection to lay on the Table of this House, Copies of any Minutes or Memoranda by the officers of the Board of Trade upon the subject of the Merchant Shipping Code Bill of 1871? If there were any departmental objections to the production of the documents, he would not press for them.

EARL COWPER said, he could not reply to the observations of the noble Earl, for he had not heard a word he said. If the noble Earl would move for them, he did not know that there was objection to lay on the Table the Papers mentioned in the Question of the noble Earl, if there were any such at the Board of Trade. No measure on the subject of the Shipping Code could be brought forward in the present Session.

THE EARL OF BELMORE gave Notice that he would move for the Papers. He did not expect that any Merchant Shipping Bill would be brought forward this Session; but he would suggest that next Session it might be well to bring forward one in their Lordships' House.

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

COMMONS' AMENDMENTS AND REASONS.

Commons' consequential Amendments and Commons' Reasons for disagreeing to some of the Amendments made by the Lords, *considered* (according to Order).

THE MARQUESS OF RIPON said, the House of Commons had not assented to the Amendment introduced by the noble Marquess opposite (the Marquess of Salisbury), for requiring that if a school-room were used as a polling station the loss which the managers might consequently suffer in respect of the circumstance should be made good to them by the candidates. The Education Department of the Privy Council was prepared to meet the difficulty by the issue of a Minute providing that the number of days during which the managers were deprived of the use of a school-room solely in consequence of its being employed as a polling-place should be counted as school days in reckoning the attendances required to obtain a Parliamentary Grant. Under these circumstances he moved that their Lordships do not insist on their Amendment.

LORD CHELMSFORD suggested that the word "employed" might not be taken to cover the days during which the schools would be under preparation to serve as polling-places, and their restoration after such use.

THE MARQUESS OF RIPON replied that the clause would include the whole of the time during which the scholars were deprived of the use of the school.

THE MARQUESS OF SALISBURY said, that the concession now granted was the one he had asked for before he pressed his Amendment. When he moved the Amendment, he did not think there was much hope that the Members of the House of Commons would saddle themselves with the expenses incurred in their own elections; but he did hope, and as the result had proved, not without good reason, that they would save themselves at the expense of the public purse.

Amendment to which the Commons have disagreed *not insisted on.*

The Marquess of RIPON then moved that their Lordships do not insist on their own Amendment; but do agree with the Amendment made by the Commons, in respect of the declaration to be made by the illiterate voter.

The Duke of RICHMOND said, he did not mean to advise their Lordships to insist on the Amendment to which they had agreed on his suggestion. He should have preferred that Amendment by which the illiterate voter would merely have been required to make a declaration before the Returning Officer; but if the Government preferred that he should deliver in a written document stating that he could neither read nor write, he had no objection.

Amendment to which the Commons have disagreed *not insisted on.*

The Marquess of RIPON said, that by a verbal error the Commons had inserted the words "polling place" for "polling station." He moved that the words "polling station" be substituted for "polling place."

Amendment *agreed to.*

The Marquess of RIPON mentioned that, in consequence of this verbal Amendment, the Bill must go back to the Commons.

Bill returned to the Commons.

ECCLESIASTICAL DILAPIDATIONS ACT (1871) AMENDMENT BILL [H.L.]

A Bill to amend the Ecclesiastical Dilapidations Act, 1871—Was *presented* by The Lord Egerton; read 1ª. (No. 211.)

PUBLIC SCHOOLS ACT (1868) AMENDMENT BILL [H.L.]

A Bill to amend the Public Schools Act, 1868—Was *presented* by The Earl of Camperdown; read 1ª. (No. 212.)

House adjourned at Six o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 15*th July*, 1872.

MINUTES.]—Supply—*considered in Committee*—Navy Estimates.

Public Bills—*Ordered*—*First Reading*—Registration of Partnerships * [249]; Military Manœuvres * [251]; War Office (Pensions) * [252]; General Police and Improvement (Scotland) Act (1862) Amendment * [250]; Greenwich Hospital * [253]; Local Government Supplemental (No. 3) * [254].

Second Reading—Military Forces Localisation (Expenses) [222], *debate adjourned;* Bankruptcy (Ireland) Amendment * [227]; Debtors (Ireland) * [228]; General Police and Improvement (Scotland) Supplemental * [238]; Judges' Salaries * [242]; Income Tax Collection (Public Departments) * [243]; Grand Juries (Middlesex) * [235].

Report of Select Committee — Epping Forest * (No. 306).

Committee—Pawnbrokers (*re-comm.*)* [233]—r.p.

Committee—*Report*—Courts of Law (Scotland) Agents (*re-comm.*) * [223]; Victoria Park (*re-comm.*) * [232]; Grand Juries (Ireland) * [226]; Galashiels Jurisdiction Act Amendment * [225]; Consolidated Fund (£8,000,000) *; Wild Birds Protection (*re-comm.*) * [247]; Masters and Workmen (Arbitration) (*re-comm.*) * [213].

Report—Epping Forest * [71].

Considered as amended—Bastardy Laws Amendment * [109], *debate adjourned.*

Considered as amended (*re-committed*)—*Committee*—*Report* — *Considered as amended* — Corrupt Practices at Municipal Elections * [86].

Third Reading—Metropolitan Tramways Provisional Orders Suspension * [219], and *passed.*

Withdrawn—Grand Jury Presentments (Ireland) * [73]; County Officers (Ireland) * [174]; Land Transfer (Scotland) * [89]; Juries (*re-comm.*) * [230]; Contagious Diseases Prevention * [42]; Master and Servant (Wages) (*re-comm.*) * [149]; Metropolitan Police Superannuation * [207]; Fires (*re-comm.*) * [199]; Municipal Officers Superannuation (*re-comm.*) * [154].

MARRIED WOMEN'S PROPERTY ACT, 1870.—QUESTION.

Mr. PIM asked Mr. Attorney General, Whether it is not the case that, under the provisions of "The Married Women's Property Act, 1870," if a woman possessing property and owing money should marry without having any settlement effected, she transfers her property to her husband, but neither her husband nor she herself, nor the property which she has conveyed to him, is liable for her debts; and, whether, if this be the case, he will without delay provide a remedy for such manifest injustice?

The ATTORNEY GENERAL said, that under this Act if a woman possessed of property and owing money, and marrying without having any settlement effected, transferred her property to her husband, neither her husband nor herself, nor the property was liable for her debts, and added that that was not the only, nor the worst, result which might follow from the present state of the law. He could not, however, on the 15th of July, undertake to introduce a Bill dealing with the injustices under the Act, when it appeared to him that there were many others which ought to be dealt with at the same time.

IRELAND—MR. JUSTICE KEOGH.

QUESTION.

COLONEL STUART KNOX, in putting a Question to the Secretary of State for War, said, he wished to explain that he had taken the words from the leading journal, and that it appeared to him that it was the regiment which was aggrieved and not the lieutenant colonel, he having previously addressed an incendiary letter to a meeting of Dublin roughs. He wished to ask the right hon. Gentleman, Whether he has any objection to state to the House the substance of the Report made to him by Her Majesty's Lieutenant of the county of Leitrim, in which he has stated that he informed the Right honourable Gentleman that he was successful in preventing his men (the Westmeath Rifles) being mixed up in that disorderly proceeding, viz., the burning Judge Keogh in effigy; and, whether the conduct of the regiment was such as to render it unfair (as stated by his Lordship) to mix up his name with that of the regiment he had the honour on that occasion to command?

MR. CARDWELL: Sir, the Lord Lieutenant of Leitrim is also colonel of the Westmeath Rifles. In that latter capacity he has reported what passed on the occasion in question. It appears from that report that the conduct of the regiment was free from reproach, and this opinion is corroborated by the resident magistrate in a like report upon the subject.

FOOT AND MOUTH DISEASE.

QUESTION.

MR. BACKHOUSE asked the Vice President of the Council, Whether he has any information of a considerable increase in the Foot and Mouth Disease among Cattle, and if it has assumed a more virulent form; and, whether any further measures can be taken to prevent its spread?

MR. W. E. FORSTER said, his Department had no statistical information with regard to the increase of the foot and mouth disease. The reason why they had no such statistics was, that they found themselves at the beginning of this year compelled to give up obtaining returns of the exact state of the disease throughout the country, in consequence of the reports which they received from many local authorities, to the effect that they did not wish to incur the expense of making those returns, and that they did not consider them necessary. The information in the possession of the Department showed that the foot and month disease was prevalent at the present time; but he was not aware that it was more so than on one or two occasions during the last two or three years. It was, however, prevalent, and was in some districts more virulent than hitherto. In reply to the second Question, he had to say that the only measures which the Department could take to prevent its spread were to remind the local authorities, which had been done by Circular letter, of the power which they had under the Orders in Council to make regulations with respect to the movements of animals, and to secure the more effectual disinfection of the premises in which diseased animals had been. A Circular had been sent out calling the attention of the local authorities especially to those provisions, and although in the latter part of last year, the different counties throughout the country had the power of issuing those regulations only about 50 per cent of them made use of them. It really lay, therefore, with the various districts throughout the country to take steps to put a stop to the disease. Two or three years ago the Department tried to make the issue of those Orders compulsory, but the opposition which had been met with from many counties rendered it absolutely necessary to replace them by permissive Orders. He could only, in conclusion, express a hope that the powers which they possessed would be used by the different counties,

POST OFFICE—TELEGRAMS.

QUESTION.

Mr. LEA asked the Postmaster General, If he is yet prepared to reduce the charge for telegrams to six pence ; if not, when he expects to be able to do so ?

Mr. MONSELL said, that the reduction of the rate for telegrams would naturally cause a considerable increase of work. At the present moment, at the head office in Telegraph Street, there was not room for a single additional instrument, and the clerks were overcrowded as it was. He could not say how soon the new building would be complete, and under the circumstances he did not think the time had come when he could give any more definite answer to the Question of the hon. Gentleman as to the practicability of reducing the charge.

ARMY—MILITIA REGIMENTS.

QUESTION.

Mr. STANLEY asked the Secretary of State for War, Whether it is intended during the present year to take steps to raise the second battalions of Militia regiments referred to in Schedule (G) of the War Office Committee on Organization ; whether recruits are in future to be enlisted for particular regiments or for particular brigades ; and, whether it is intended to assimilate the clothing of Militia regiments (except facings and lace) to that of the brigades to which they are to be attached ?

Mr. CARDWELL : Sir, it is intended that, as soon as the Act is passed, immediate measures shall be taken to carry the recommendations into effect, and no time will be lost in making the arrangements for the second battalions. Power has already been taken in the Mutiny Act to enlist for the brigade in cavalry regiments. It is, therefore, the intention that enlistment shall be for the brigade. It is intended to review the whole question of clothing in connection with the new arrangements.

ARMY RE-ORGANIZATION—DEPOT CENTRE FOR HEREFORD.—QUESTION.

Major ARBUTHNOT asked the Secretary of State for War, Whether any decision has been arrived at as to the Depôt Centre of the district in which the county of Hereford will be included ; and, whether any inspection of the various sites proposed has been made ; and, if not, whether a final decision on the subject may be postponed until the respective qualifications of the several cities and towns eligible for the purpose shall have been reported upon ?

Mr. CARDWELL : The Committee have reported generally, and their preference is for Worcester. Reports are now about to be called for from officers of Royal Engineers upon the detailed arrangements of the scheme in each district, so as to enable the Committee to arrive at their final conclusion. Until these Reports shall have been revised and considered, no decision can be regarded as absolutely final.

INTERNATIONAL COPYRIGHT.

QUESTION.

Mr. MACFIE asked the Under Secretary of State for Foreign Affairs, Whether any negotiations with Foreign Governments are now in progress on the subject of copyright ; whether these negotiations extend beyond literary and artistic copyright, and, whether they are based on the principle of exclusive privileges ?

Viscount ENFIELD : Sir, a negotiation is now in progress with the German Empire on the subject of copyright. The proposed Treaty will be merely a consolidation of the existing Conventions with Prussia, and will not in any respect go beyond the present law of this country on international copyright, but it will have the advantage of extending to the whole German Empire. Several Bills have been brought before the Congress of the United States for authorizing arrangements of international copyright, which have not escaped the attention of Her Majesty's Government ; but none have been passed, and it cannot, therefore, be said that we are as yet in negotiation with the United States on the subject.

BIRMINGHAM SEWERAGE BILL.

QUESTION.

Mr. PELL asked the President of the Local Government Board, Whether he is aware that under the 63rd section of the Birmingham Improvement Act, 1851, the Council of the borough of Birmingham is authorized, with the sanction of a meeting duly convened, to make application to Parliament for the purposes of any Act relating to that borough; whether such meeting was not held on February 16th, 1872, pursuant to the provisions of that section, which authorized the application to Parliament for the Birmingham Sewerage Bill of the present Session; and, whether under these circumstances any liability for the expenses of that application attaches to the promoters of that Bill individually, as stated by him in reply to the honourable Member for Sheffield on Monday, July 1st, and then adduced as a reason for the Government affording facilities for the passing of the Municipal Borough Funds Bill?

MR. STANSFELD said, that the answer which he had given on the 1st of the month to the hon. Member for Sheffield (Mr. Mundella) with respect to the Birmingham Sewerage Bill was founded on the general law, and that the Act of 1851 had not been brought under his notice. He might add that he thought the argument would remain intact, in favour of the Bill of the hon. Member for York (Mr. Leeman), because the municipality having to rely on the Local Act, to prevent its members from being liable as individuals for the expenses of such application, it seemed clear that the general law was deficient. At the same time, though it was no part of his duty to give a legal opinion, he was not satisfied that the Act would operate in the manner indicated by the hon. Member.

MR. LEEMAN asked the honourable Member for South Leicestershire, with reference to his Question to the Right honourable the President of the Local Government Board, Whether, as but for the special Act referred to in such Question, the cost of the Birmingham Sewerage Bill must have fallen on the Council of that borough, and that the Select Committee has refused to hear further evidence, he will withdraw his Motion "to refer the Municipal Corporations (Borough Funds) Bill back to the Select Committee," and so aid in conferring the like powers and indemnities on all other towns, as he alleges are possessed by Birmingham?

MR. PELL said, he thought the two Bills were hardly compatible; but if he could satisfy the artless curiosity of the hon. Member for York he would. He would only say that having regard to the circumstances he, (Mr. Pell) felt himself justified in continuing his present course of obstruction.

THE LATE TELEGRAPH COMPANIES.
QUESTION.

MR. SYNAN asked the Secretary to the Treasury, Whether the Postmaster General has forwarded to the Treasury a recommendation to commute the pensions of the servants and clerks of the late Telegraph Companies; and whether the Treasury proposes to act upon such recommendation?

MR. BAXTER said, a recommendation to the effect mentioned had been received from the Postmaster General, and the Treasury intended to act on that recommendation at once.

CRIMINAL LAW AMENDMENT ACT, 1871—PICKETING.—QUESTION.

MR. VERNON HARCOURT asked the First Lord of the Treasury, Whether, in consequence of recent convictions under the Criminal Law Amendment Act, 1871, Her Majesty's Government will bring in a Bill this Session to amend and define the Law, or afford facilities for the discussion of a measure having that object. He must beg the indulgence of the House for a few minutes while he took a course he was not in the habit of taking, and made some observations in reference to his Question, concluding with a Motion in order to put himself in Order. ["Oh, oh!"] He knew the inconvenience of that course; but the urgency of the matter to which he was about to allude induced him to adopt it, for the Question he put concerned a matter which interested a large number of persons who were not directly represented in that House. It referred to the Criminal Law Amendment Act of last year. It was a notorious fact that since the passing of that Act there had been more than one conviction under it, which had produced great discontent to the whole class of persons affected and great hardship to individuals. It had also been admitted that those convictions were not founded on a just interpretation of the law, and that differences of opinion existed as to whether it was the fault of the law or of those who misinterpreted it. Early in the present year the Home Secretary was reported to have stated to a body of his constituents that he would be prepared to support any Amendment which tended to remove from the Act the ambiguity of expression which led to conflicting decisions, or to restore the Act to the form it had been promoted by the Government. That statement, proceeding from an individual responsible for the administration of the criminal law was important, and led to the expectation that the subject would be dealt with during the present Session, for to cast a doubt or suspicion on an existing law, without attempting to deal with that law, was a very inconvenient course of proceeding. He was justified in saying that the Act was difficult to interpret, because the last decision under it by a stipendiary magistrate had been admitted by the Home Secretary to be wrong. He had some right, therefore, to appeal to the Government to deal with the subject; and though he could not, without violating Order, allude to a Bill now before Parliament, he, nevertheless, could ask the Government to deal with the matter, or, at all events, allow a discussion upon it. He might be told that the Government had no time to devote to the subject; but the Government had found time for other questions of less importance, such as the Thames Embankment, the Galway Election Inquiry, and the manning of the Navy; and it would be unfortunate if the country should next winter be left under the operation of this Act of Parliament, especially after the manner in which it had been interpreted. It was most essential that in respect to the questions which had arisen between capital and labour, everybody should feel that the law was clear and capable of being understood by those who administered it, and, most of all, by the classes affected by such legislation. It was, therefore, desirable that the Government should give an opportunity for the discussion of the subject, for the people outside that House would be more satisfied with an adverse result than with no discussion at all, and he would venture to suggest that Parliament should not be prorogued until the impression which existed had been removed. He would conclude by moving the adjournment of the House.

Mr. MELLY rose amid cries of "Order!" to second the Motion, and immediately afterwards resumed his seat, when

Mr. GLADSTONE then rose, and said that he thought that the extension of the privilege of making speeches on Motions of Adjournment would be very inconvenient, and the practice of speaking upon seconding such Motions would be entirely novel.

Mr. MELLY said, that he had intended to ask a Question.

Mr. GLADSTONE said, he would be most happy to answer the Question at another time. His hon. and learned Friend (Mr. Vernon Harcourt) had greatly extended the privilege allowed upon Motions of this kind, for he had a Bill before the House standing for Wednesday next, and he now, without previous Notice, moved the Adjournment of the House, in order to raise a discussion on the question whether the Government would take up the subject themselves, or give some extraordinary facilities for a discussion on it. Now, he must say that if Motions of Adjournment were to be made in relation to Questions standing on the Notice Paper, the House must be prepared for an increase of whatever inconvenience attended the practice of moving Adjournments of the House without Notice. He was aware of the strong and patriotic motive which influenced his hon. and learned Friend; but there were multitudes of hon. Members under the influence of equally strong and patriotic motives, and it was only fair to admit that these Motions of Adjournment were always made under the influence of the strongest and most patriotic motives. Being perfectly aware of the importance and difficulty of the subject referred to by his hon. and learned Friend, he was sorry to say that the Government were not prepared to bring in a Bill that Session for the purpose of amending and defining the Criminal Law Amendment Act, or to set aside other urgent Public Business in order to allow of a discussion upon the subject of that measure. The difficulty of time was not the only difficulty in the way. Although there was much truth in what his hon. and learned Friend had said as to the inconvenience which had arisen from the want of a more perfect agreement as to the purpose and effect of the law, and the character of the sentences and decisions which had been given, it must be recollected that that was by no means the whole case. The attention of the Home Secretary had been called to about a hundred decisions which had been given under the Act, and of these were only three or four to which objection had been taken. His hon. and learned Friend had said that these decisions had not been founded on a just interpretation of the law. If so, it would remain for inquiry how far these questions had been carried to issue by appeals, and what was the result of those appeals. He must remind his hon. and learned Friend that the Government introduced their Bill with a clause against "picketing," which was made more stringent by the House of Lords. On the return of the Bill to the Commons the Government tried to restore the Bill to its original state; but the House overruled the decision of the Government, and maintained the Lords' Amendment. That showed the division of opinion in Parliament on this question; and, as the Act was only passed in 1871, the Government had not the least hope, if they were to introduce a Bill on the subject, that they would, after so limited an experience, be able to induce Parliament to reverse the decision already come to. On that ground he was reluctantly obliged to answer the Question in the negative.

MR. NEWDEGATE considered that this subject deserved an early discussion. It was notorious that the regulations which decided the course of Business were now such that it was utterly in vain for any unofficial Member to attempt to force a Bill through the House. The Government, as representing the Crown, had the whole initiative of legislation, and Parliament would soon have only a veto. He could not see how private Members could perform their duty without sometimes straining the usual order of proceeding before the regular Business of the day commenced, and he therefore thought the hon. and learned Member for Oxford was quite right in the course he had taken.

MR. AUBERON HERBERT was afraid the course pursued by the Government in this matter would lead in winter to a very bitter agitation. There was no doubt that the trade unionists felt very strongly on this subject, and that they would feel exceedingly indignant if no consideration was given to the Bill after so strong a case had been made out on their behalf. He hoped that the Government would, at all events, afford an opportunity for discussion, for he thought that even an adverse decision would tend to remove the impression which existed, as showing that the matter had at least been considered.

BIRMINGHAM SEWERAGE BILL.

SIR ROBERT PEEL said, he believed the Motion which had been made by his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) was somewhat irregular; but, as it had been made, he was quite in Order in addressing the House. He wished, therefore, to ask a Question relative to what had fallen from the President of the Local Government Board. He understood him to say that he adhered to the statement he made the other evening, and that the promoters of the Birmingham Sewerage Bill were individually responsible for the expenses occasioned by the promotion of that Bill. He should rejoice if they were held personally responsible, and he hoped sincerely the ratepayers of Birmingham would hold them so. He had been made personally responsible to a very large amount for expenses incurred in opposition to that Bill, and it was only fair that the promoters should also be held personally responsible. The question he wished to ask was, Whether he understood rightly that the right hon. Gentleman adhered to the statement he made the other night, that in his opinion the Act of 1851, called the Birmingham Improvement Act, under Clause 63, did not free the promoters of the Birmingham Sewerage Bill from individual liability in its promotion?

MR. MUNDELLA reminded the House that the statement of the President of the Local Government Board was made in reply to his (Mr. Mundella's) Question as to whether the whole funds and property of the Corporation of Birmingham was not liable to sequestration in consequence of the decision of that House, and since then the right hon. Gentleman the Member for North Staffordshire (Sir Charles Adderley) had given notice of an application to the Court of Chancery with that view. The other Question was, whether individual members of the Corporation were personally liable for the expenses of the promotion of a Bill which was rejected by a very small majority—and, as he thought, illegally, because he believed it was a Rule of the House that hon. Members should not vote upon questions in which they were personally interested.

Sir ROBERT PEEL observed that neither he nor the right hon. Gentleman the Member for North Staffordshire had voted on the occasion referred to.

Mr. MUNDELLA added that they both "told," which was equivalent to voting. In answer to a case which he (Mr. Mundella) had submitted to him as to the question of the individual liability of members of the Corporation, the Parliamentary agent of the Sheffield Corporation gave it distinctly as his opinion that the clause referred to did not override the Municipal Corporations Act, and that the parties were personally liable. Therefore, Birmingham was in precisely in the same position as Sheffield, Edinburgh, and several other large towns.

Mr. STANSFELD said, the right hon. Baronet had misunderstood the answers which he (Mr. Stansfeld) had given on a former occasion. He had expressed no legal opinion on the subject. When the hon. Member for Sheffield put the Question, he understood it to have reference to the Bill of the hon. Member for York (Mr. Leeman). The Question was, whether he (Mr. Stansfeld) could deny that it was the law that individual members were personally responsible? His answer was, that he was not able to deny the statement of the law as laid down, and that it was the opinion of the Government that the Bill of the hon. Member for York was a reasonable one. He had been asked by the hon. Member for South Leicestershire (Mr. Pell) if the members of the Town Council of Birmingham were individually liable for the expenses of the proceedings which they had taken, and in reply he stated that he could express no opinion on the subject. What he stated in the first instance was, that his former answer was based on the general law; and he did not doubt that under the general law, when applications were made to Parliament by municipal corporations, and they did not succeed, they would have to meet the expenditure as best they could, and therefore a clause was inserted in private Bills to cover the expenses. With respect to the Birmingham case, the Town Council were either authorized by the Improvement Act of 1851 to pay the expenditure, or were not authorized. If they were not authorized, the case remained with which the Bill of the hon. Member for York proposed to deal. If they were authorized, the case still remained, because it could not be a right state of the law that it should depend on the accident of a clause in a local Act whether the members of a town council should be protected from individual liability in such cases.

Mr. BOUVERIE rose to address the House, but the Speaker interposed.

Mr. SPEAKER: It is right, before any farther discussion takes place, to point out to the House, very respectfully, the irregularity of these proceedings. The hon. and learned Member for Oxford (Mr. V. Harcourt) moved the Adjournment of the House, and under cover of that Motion called on the Government to state the course the Government are prepared to take with respect to a Bill which this House has set down for consideration on Wednesday next. Since that we have had under cover of the same Motion a discussion on a Bill which this House has determined shall be read a third time three months hence. Not only that, but we are now adverting to Questions which have been put and answered in this House, and it is irregular to advert to them, as, in doing so, we are referring to past debates of the current Session.

Mr. VERNON HARCOURT begged to state that he had made no reference to his own Bill. He had only asked the Government whether they would not bring forward a Bill of their own to meet the case.

Mr. J. LOWTHER rose on a point of Order. He wished to know if, as had been stated by the hon. Member for Sheffield (Mr. Mundella), any hon. Member could not speak on a question in which he was personally interested? He must say that the hon. Member had laid down a very wide proposition. It would have prevented any hon. and gallant Member from voting against such questions as the abolition of Purchase, or the introduction of the Commune into the country.

Mr. SPEAKER said, that the right hon. Baronet the Member for Tamworth and the right hon. Gentleman the Member for North Staffordshire were both entitled to vote upon the Birmingham Sewerage Bill, as they had no such pecuniary interests adverse to the Bill as would disqualify them from voting against it. It appeared to him that their pecuniary interests were rather in favour of the Bill passing into law than otherwise.

MR. BOUVERIE said, the hon. and learned Member for Oxford (Mr. V. Harcourt) was guilty of an irregularity in seizing the opportunity of asking a Question he had put on the Paper, to make a Motion for an Adjournment and a speech on the subject of the Question, as to which he had given a Notice of Motion—an irregularity which, if permitted to become a precedent, must have a most mischievous effect on the order of their proceedings.

Motion, by leave, *withdrawn.*

NAVY—H.M.S. "EUPHRATES."
QUESTION.

LORD HENRY SCOTT asked the First Lord of the Admiralty, Whether instructions were not given that Her Majesty's ship "Euphrates," steam transport, was to have 400 tons of coal on board on her arrival at Portsmouth at the conclusion of her experimental voyage with invalids from Bombay to England round the Cape of Good Hope; whether, in order to comply with these instructions, the vessel had to take in coal at St. Vincent at a very high price; whether it is the case that deaths occurred on board at the rate of one in every two days during the voyage; and, whether he has any objection to lay upon the Table full particulars as to this experimental voyage, including any instructions as to coal?

MR. GOSCHEN confessed that he could see no connection between the two parts of the Question. The *Euphrates* went round the Cape as an experiment at the wish of the Government of India, who thought it would be for the advantage of the invalids that they should proceed round the Cape. With regard to the amount of coal, the captain was ordered to take in sufficient coal to enable him to keep 400 tons in store, so that in case of heavy weather the ship might at no time be too light, and those were the instructions which were usually given to these large troop-ships. The vessel, however, arrived with only 300 tons, instead of 400 as stated. The *Euphrates* brought home 664 invalids, and about 200 other passengers, and among the invalids there were 33 deaths, many of the invalids having gone on board in a very advanced state of disease.

CRIMINAL LAW—THE TICHBORNE PROSECUTION.—QUESTION.

MR. EYKYN asked Mr. Attorney General, Whether he is able to state that Her Majesty's Government intend to carry to trial the indictments found by the grand jury at the Old Bailey against the claimant to the Tichborne estates?

THE ATTORNEY GENERAL explained that, although as the organ of the Government, it had been necessary that he should take certain formal steps in the matter, he had not the conduct of, and he did not interfere with the prosecution, which was in the hands of Mr. Hawkins. It had become a Home Office prosecution; and, as far as he knew and believed, the Home Secretary and the Solicitor to the Treasury did not intend to desist from the prosecution.

PARLIAMENT—PUBLIC BUSINESS.
QUESTION.

COLONEL WILSON-PATTEN: I wish, Sir, to ask the right hon. Gentleman at the head of the Government, What arrangements the Government are prepared to make with respect to Business for the remainder of the Session? Since I gave Notice of that Question I have gone carefully through the Order Book, and I find there are now standing upon it ninety-eight Orders, in addition to Committee of Supply, which, I believe, will occupy at least four days. I believe the Government are also pledged to find other days; one for the discussion of the Keogh Judgment, and another for the Indian Budget. Under these circumstances, I think it is desirable that Her Majesty's Government should make up their minds how they will dispose of that portion of the Business which belongs to the Government, and which, of course, comprises a large proportion of that standing on the Order Book?

MR. GLADSTONE: I cannot possibly find fault with the right hon. Gentleman for putting the Question. The period of the Session has certainly arrived when, if it be possible, we should endeavour to clear the Order Book of the House with respect to outstanding Business, so as to enable us to form practical views and expectations, with reference to a tolerably early termination of the Session. My right hon. Friend says there are 98 Orders of the Day relating to Bills, besides Committee of Supply, and I presume that of those 98 one-half are the Bills of private Members. [Colonel WILSON-PATTEN: More than one-half.] Well, I wish to be on the safe side; and taking it that half are the Bills of private Members, I would say with regard to the moiety for which the Government is responsible—I need not say with respect to a number of them—as always happens towards the close of a Session, that though they stand upon the list and take up as much room there as others, many of them are for objects comparatively minute, about which there is no difference of opinion, and they may be expected to pass without making any sensible demand on the time of the House. I shall confine myself to those which are of a more serious character. We are at the present moment prepared to announce our intention of giving up, with a good deal of reluctance, those which stand on the Orders for to-day as Nos. 12, 13, 14, 15, 16, 17, and 18. There they are, arranged like a body of criminals ordered for military execution. They are the Grand Jury Presentments (Ireland) Bill; the County Officers (Ireland) Bill; the Land Transfer (Scotland) Bill—a Bill of great importance, which we are reluctant to part with; the Juries (England) Bill; the Contagious Diseases Prevention Bill, which involves a great difficulty, with which it would be quite hopeless to go forward at this period of the Session; the Master and Servants Wages Bill, and the Metropolitan Police Superannuation Bill. The Bills with which we are anxious to go forward, and which I think are of a more or less serious character, I had better also mention in a group. I do not any longer speak of the two Mines Bills; I consider them substantially disposed of. There are the Public Health Bill, the Licensing Bill, and the Corrupt Practices Bill, with regard to which we have stated we shall endeavour to find an opportunity of submitting our own proposals to the judgment of the House by moving the Speaker out of the Chair; though, undoubtedly, we do not think we ought to take upon ourselves to ask the House to go through the long list of Amendments to the Corrupt Practices Bill, which immensely extend the field, unless it be the desire of the House, in which case we shall be found ready to obey. There is the Local Government (Ireland) Bill, in the hands of the Chief Secretary for Ireland, which will not be likely to lead to any lengthened discussion, although it will require some, and which we shall endeavour to improve with a view of carrying it. There may be the Inclosure Bill, which, if it should reach this House, we should desire for practical reasons to go forward with. There is the Thames Embankment Bill, in regard to which we have to thank the hon. Member for Westminster (Mr. W. H. Smith) for having made an arrangement for the discussion of it on Monday evening at a reasonable hour after Committee of Supply, and the ground of discussion I hope will be much narrowed. There is the Merchant Shipping Bill, with which my right hon. Friend the President of the Board of Trade is desirous of going forward; and, lastly, there is the Education Act Amendment Bill, which it is absolutely necessary to bring under discussion, and with regard to which we certainly hope it will pass without much discussion. Apart from Bills, as my right hon. Friend stated, there is the question relating to the Galway Election, in regard to which we are pledged to find a day for its discussion. I take this opportunity of stating that, looking to the condition of Business, I do not think it would be possible to find a night until the week after the 25th of July. I expressed a hope it might be on that day; but now, having reference to the state of Public Business, I hardly see how we could get it on earlier than the week—probably it would be an early day of the week—after the 25th of July. My right hon. Friend has truly stated that there will also be several days absolutely required for closing Committee of Supply. We are now upon the 15th of July. We. have heard to-day another repetition of the complaint that private Members find so much difficulty in bringing forward and carrying through the House measures in which they feel an interest. I can assure the hon. Member for North Warwickshire (Mr. Newdegate) that official Members feel very much the same difficulty. The question is really one for the judgment of the House; but I am bound to say the Bills I have enumerated will occupy, conjointly with Supply, so much time that I cannot look forward to any early termination of the Session—I may, perhaps, say any reasonably early termination of the Session—unless we are enabled to obtain a greater command of time than that which we already possess. I see the hon. Member for North Warwickshire looks aghast at that declaration. [Mr. Newdegate: Not at all.] We now stand in this position —I do not believe the competition of private Members as to Bills is real; the Bills of private Members have for the most part reached that stage when they have no longer nothing either to hope or fear. That being so, I take it they will be inclined to remove them from the Order Book, in cases where they have no reasonable expectation of passing them into law. In any case, I beg distinctly to point out, if we are at all right in thinking that all, or nearly all, the eight measures to which I have last referred, after the seven others have been given up, ought to be persevered with, and the judgment of the House definitely taken upon them, it will not be easy to accomplish that unless we are enabled to obtain not during the present week, but after it, some further command of the time at the disposal of the House.

Mr. DISRAELI: In continuance of the inquiries with regard to the course of Public Business, I must express my opinion that the highest interests of the country require that an early opportunity should be given by the Government to the House to express its opinion upon the decision of Mr. Justice Keogh. I would put it to the right hon. Gentleman, whether he thinks the statement he has made consistent with the expectation he held out upon that subject a day or two ago. On that occasion, I understood the right hon. Gentleman to say that upon a certain day—next Thursday week—he would take an opportunity of expressing to the House the opinion of the Government whether they thought it desirable on their part to ask the opinion of the House. The right hon. Gentleman has admitted that the House is now in possession of the evidence, and he has stated that as soon as it was in that position, he would afford the earliest day for a discussion upon the subject. If, therefore, as I understand what has fallen from the right hon. Gentleman tonight, he is not prepared to state that the Government are intending to ask the opinion of the House, I think the right hon. Gentleman ought to give a day to any hon. Member who would be prepared to come forward and solicit the opinion of Parliament upon that subject. I must express an opinion, which is not, I believe, confined to myself, but is held by the country generally, that the highest interests of the country demand that there shall be no delay in Parliament expressing its opinion upon that subject.

Mr. GLADSTONE: There is really no change in the substance of the announcement I have made to the House, because the announcement I had made was, that we should be prepared to name the earliest day in our power after we had gone through the Public Health Bill and the Licensing Bill, and, upon being asked what day, I stated I hoped it might be by the 25th of July. We have no hope now—or very little hope indeed—that we shall have gone through the Public Health Bill and the Licensing Bill before the 25th of July, and it was on that account I stated I did not think it would be possible for us to find a day before the following week for the discussion. We thought it extremely desirable—especially with a view to the House of Lords, that we should dispose as quickly as possible of Bills of such magnitude and importance. It was for that reason we thought it better that the discussion should stand over, and it was certainly not from any disposition of our own to postpone it, but rather from a wish to consult the general convenience of the House, and we have no disposition at all to interfere with that convenience. It is entirely a matter for the consideration of the House, and if we have reason to believe that the House is of opinion that it is better to postpone the progress of the important measures I have mentioned in order that we may discuss the Galway Election, we shall have no objection to give the early opportunity for discussing it which we have already proposed to give.

Mr. BAGWELL asked, whether the Government intended at that period of the Session to press forward so important a measure as the Prisons (Ireland) Bill?

Mr. GLADSTONE said, it was not a Government Bill, and he was not, therefore, in a position to say what would be done with it.

Mr. BOUVERIE: An hon. and learned Member has placed on the Notice Paper a Motion for an Address to the Crown to remove one of the Judges of the land from the position he occupies; or, at all events, a Motion strongly impugning his conduct. Such a Motion, relating, as it does, to the administration of justice, is one of grave importance. If these imputations thus made upon the character of one of Her Majesty's Judges are deserved, some action should at once be taken with respect to them; if undeserved, they ought not to be allowed to rest upon the head of a learned Judge. I cannot help thinking it would be the wish of the House that an early opportunity should be afforded for the consideration of the question. The right hon. Gentleman said he was willing to meet that wish if it existed; but how is the House to express its wish? The House has no means of bringing forward a Motion to that effect.

Mr. GLADSTONE: I do not entirely agree with what has just fallen from my right hon. Friend, because in speaking on this subject before, I said we would not pledge ourselves to give any particular facilities to the particular Motion to which he has referred, but that we would give an opportunity for the general discussion of the subject. However, I do not wish to wait for any formal declaration of the wish of the House—the declaration of the right hon. Gentleman opposite (Mr. Disraeli) is an important element in informing us of what is the desire of the House, and the fact that my right hon. Friend (Mr. Bouverie) concurs in that declaration assists in showing us what is the feeling of the House. If that be the general feeling of the House we will fix now the 25th July for the discussion. Let it be so settled, although we do not think that is the most convenient course, having regard to the progress of legislation.

The Marquess of HARTINGTON, in answer to the Question of the hon. Member for Clonmel (Mr. Bagwell), stated that the Prisons (Ireland) Bill had come down from the House of Lords, and he did not think its discussion would take a very long time.

Mr. MAGUIRE said, there was no possible chance of the Irish Members agreeing upon that Bill, against which there was an universal outcry. The noble Lord would do well to satisfy himself upon the point, and formally abandon the Bill.

Mr. VANCE wished to know what would be done with the Bankruptcy (Ireland) Amendment Bill?

The ATTORNEY GENERAL for IRELAND (Mr. Dowse) said, the Bankruptcy (Ireland) Amendment Bill had passed the House of Lords, where it had been considered by a Select Committee. He hoped both that and the Debtors (Ireland) Bill would be read a second time that night, and would become law during the present Session.

Mr. NEWDEGATE said, the right hon. Gentleman at the head of the Government had intimated that he was about to propose a further restriction upon the time allowed to non-official Members. He wished, therefore, to know whether it was the intention of the right hon. Gentleman to give Notice of such a Motion?

Mr. GLADSTONE: I wish to place the question fairly before the House. The question is between a longer Session with no more time given to Government Bills, and a shorter Session with more time given to Government Bills. It is for the House to make its election. Under the circumstances, I should have thought private Members would, almost with enthusiasm, have supplied the time which is necessary for an expeditious conclusion of our proceedings. I should be sorry to overbear in any way the wishes of private Members, and I shall not give any Notice of the kind indicated by the hon. Member, unless in accordance with the general feeling of the House. If such an arrangement meets the general feeling of the House, I shall make a proposal on the subject at the end of the week.

Mr. B. SAMUELSON asked if the Vice President of the Council could fix a day for taking the Education Vote and for the Vote for the Science and Art Department?

Mr. W. E. FORSTER said, he should take the Education Vote at a Morning Sitting on Friday next, and probably he would be able to take the Science and Art Vote on the same day.

Colonel STUART KNOX wished to know what would be done with the Grand Juries (Ireland) Bill?

THE MARQUESS OF HARTINGTON hoped the Government would be able to deal with that measure. It was not opposed by anyone.

MR. WHALLEY asked what was the intention of the Government with regard to the Prison Ministers Bill?

MR. BRUCE: The Bill is not in charge of the Government, and, therefore, I am unable to answer the question.

IRELAND—THE IRISH PRESS AND MR. JUSTICE KEOGH.

QUESTIONS.

MR. O'NEILL asked the First Lord of the Treasury, Whether the Lord Lieutenant of Ireland has issued instructions for the prosecution of any of the newspapers in that country for the publication of inflammatory articles inciting the people against Mr. Justice Keogh?

MR. GLADSTONE: I am informed by my right hon. Friend the Attorney General for Ireland that one Irish newspaper has received a warning from the Government, in the terms of the law, with respect to certain language used in the case of Mr. Justice Keogh and the Galway Election, and the other cases are still under the consideration of the legal Advisers of the Crown.

LORD CLAUD JOHN HAMILTON asked what newspaper had received the warning in question?

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE): *The Tuam News.*

INTERCOLONIAL TARIFFS.

QUESTION.

MR. P. J. SMYTH asked the First Lord of the Treasury, If there does not exist a disagreement between Her Majesty's Government and the several Governments and Legislatures of Australasia; if the matters in dispute do not press for immediate decision; and, if it be not desirable that there should be a discussion in this House of the important questions raised by the Correspondence with the Australian Colonies with reference to proposals for Inter-Colonial Tariff arrangements?

MR. GLADSTONE said, there had been a correspondence with certain Governments in Australia upon the subjects of intercolonial tariffs; but it would be wrong to say that any disagreement had arisen, until the correspondence was closed and the parties remained at issue. That state of things did not exist, and therefore there was no disagreement, though it was true that at the present moment, the Governments of Australia and the Home Government did not regard the question from the same point of view. The matters under discussion, however, were by no means of such a character as to call for immediate discussion here. If that were the beginning of the Session, and sufficient time were at the disposal of the House, no objection would be raised on the part of the Government to the subject being discussed; but as matters now stood, they were not aware of any reason why other Business should be postponed in order to bring on a discussion, upon the question which was not yet in a state of entire ripeness for the consideration of Parliament.

TREATY ARRANGEMENTS WITH TURKEY.—QUESTION.

MR. M'LAGAN asked the Under Secretary of State for Foreign Affairs, If his attention has been drawn to the Circular issued by the Government of the Viceroy, addressed to Agents and Consuls General in Egypt, dated Cairo, 7th October 1871, prohibiting the exportation of bones; and, if he is aware of this Circular, to ask, whether such a prohibition is in contravention of the Treaty between this country and Turkey of the 29th April, 1861?

VISCOUNT ENFIELD: Sir, this matter has been brought to the notice of Her Majesty's Government, and has been considered in communication with the Law Advisers of the Crown. The Treaty of 1861 permits the prohibition of the exportation of any article from the Ottoman Dominions, provided such prohibition is general—that is, extends to all foreign countries alike. Such is the case in the present instance, and, therefore, this act of the Egyptian Government is not in contravention of the Treaty of 1861.

NAVY—H.M.S. "ZEALOUS."—QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, If his attention has been called to the condition of Her Majesty's ship "Zealous" by a recent Survey and Report; and, whether it is intended that that ship is to receive considerable repairs at Valparaiso to enable her to make the voyage home?

Mr. GOSCHEN replied, that the Admiralty had received a Report with regard to the condition of Her Majesty's ship *Zealous* from the responsible officer of the ship, and likewise a statement as to the repairs which the Admiral was taking in hand in order to meet the case. Those repairs had not been made at Valparaiso, but the vessel had proceeded to Callao, where the Admiral thought there would be a better opportunity of dealing with the repairs. He had received two letters from the Admiral, extracts from which he would read to the House. In the first, the Admiral said he should be able to make the ship quite safe for the voyage home, as that was the best time of the year for passing the Straits; and in the second, he stated he did not apprehend the least risk in the vessel going through the Straits. All the measures which had been taken were approved by the Admiralty.

POST OFFICE—TELEGRAPH ESTABLISHMENT.—QUESTION.

Mr. W. H. SMITH asked the Secretary to the Treasury, Whether, when the decision of the Treasury with regard to the Telegraph Establishment has been arrived at, he will lay upon the Table of the House the Correspondence between the Post Office and the Treasury on the subject, including the voluminous Report to which he recently referred?

Mr. BAXTER stated that the correspondence between the Post Office and the Treasury with regard to the Telegraph Establishment was quite confidential, and that, therefore, it was not intended to lay it upon the Table of the House.

LEGACY AND SUCCESSION DUTY DEPARTMENT.—QUESTION.

Mr. Serjeant SIMON asked Mr. Chancellor of the Exchequer, Whether the Legacy and Succession Duty Department, which has been classed in the first rank of offices under the control of the Board of Inland Revenue, is paid not only much less than other offices of that rank, such as those of Solicitor and Secretary, but also much less than offices of as a lower rank, such as those of Accountant and Storekeeper; and, whether the Treasury have refused to increase the scale of pay for the first-mentioned office, although an increase was recently recommended by the Board as a matter of "bare justice;" and, if so, whether he will state to the House the grounds for such refusal, and also in what particular he considers the duties of the office in question inferior to those of the other offices in the Inland Revenue to which reference has been made?

The CHANCELLOR of the EXCHEQUER said, the clerks in the Legacy and Succession Duty department, which had been classed in the first rank of offices under the control of the Board of Inland Revenue, were paid less than the clerks in other departments of that rank, and the Treasury had refused to increase the scale of pay for the first-mentioned office, mainly on the ground that no good reason had been adduced for such an increase. It was urged that the work of the office had increased; but that, though a valid reason for increasing the number of clerks, was no reason for augmenting the salaries of those already engaged. Secondly, it was said that the receipts of the office had largely increased; but that, again, was no reason whatever for raising the salaries, unless it were admitted that Government clerks ought to be paid on the principle of percentages. Indeed, if that principle were admitted, it would follow that if the receipts diminished the salaries should be reduced—a principle which the clerks would probably be loth to admit. As to the disparity between the pay of that and of other offices, it had not been understood that it was the duty of the Government to adapt the pay of one office to that of others. To do so would lead to endless discussions and heart-burnings; and, indeed, he saw no more reason for raising the salaries of that office to the height of others than to lower others to their level. The question, moreover, was investigated in 1866, and everything then asked for was granted to the office. That application was renewed in 1871; but no fresh reasons for increasing the pay were advanced, and therefore he did not think it necessary to increase it.

IRELAND—CASE OF THE REV. PATRICK WALSH.—QUESTION.

Mr. VANCE asked Mr. Attorney General for Ireland, If he has any information that on Sunday the 30th of June a letter was read from the altar of the Roman Catholic Parochial Church of Castlebar, from the Roman Catholic Archbishop of Tuam, prohibiting the Rev. Patrick Walsh from all sacerdotal functions within his diocese; and if he is the same Mr. Walsh who, in his evidence on behalf of the Petitioner, before Mr. Justice Keogh, stated that he was credibly informed he would be suspended for having refused to support the candidature of Captain Nolan; and, if any steps can be taken to protect Mr. Walsh under these circumstances?

THE ATTORNEY GENERAL FOR IRELAND (MR. DOWSE) said, that when he first saw his hon. Friend's Question on the Notice Paper he ordered inquiries on the subject to be instituted in Ireland, and he had obtained some information which he would communicate to the House. The statement made by his hon. Friend as to the Rev. Patrick Walsh was not exactly correct, for on referring to the evidence given at the Galway Election Inquiry, he found that the gentleman in question said he did not expect he should be suspended, although a brother clergyman had told him that he would. He further said that he had been reported or misrepresented as having lampooned his Bishop in a letter, but that in reality he had done nothing of the kind, and he did not expect he should be suspended. Archbishop MacHale, on being examined, was asked whether he intended to suspend Mr. Walsh or not, and he replied—"I never entertained such an idea; I never even once thought of it." No official report had reached the authorities in Dublin with reference to the matter referred to by the hon. Member for Armagh; but he was informed that Mr. Walsh had written a letter to *The Mayo Telegraph*, which was re-published in that day's *Freeman's Journal*. He caused a telegram to be sent to Dubin asking what had appeared in the latter newspaper, and the answer he had received was as follows:—

> "Mr. Walsh says that the statement that he had been visited by Dr. MacHale with ecclesiastical censure is false and malicious; that if he (Mr. Walsh) is about to leave the parish, it is of his own option and free will; and that if he should emigrate to America, he will only be following the example of thousands of his fellow-countrymen."

IRELAND—MR. JUSTICE KEOGH'S JUDGMENT.—QUESTION.

MR. DISRAELI: Sir, am I correct in assuming that on Thursday, the 25th instant, it is the intention of the Government themselves to propose a Resolution in respect to the Judgment of Mr. Justice Keogh, or merely to give that day to the House in case they, after consideration, should wish to avail themselves of it?

MR. GLADSTONE: In regard to that subject I wait for my right hon. Friend's final report on his consideration of the evidence. I stated that we should do either one or the other—that we should either propose a Resolution ourselves, or give an opportunity to hon. Members of doing so. When my right hon. Friend has had a little more time—and it is only two or three days since the last portion of the evidence came—I shall be able to inform the House of the course we shall propose to take.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

> "That a sum, not exceeding £173,767, be granted to Her Majesty, to defray the Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1873."

MR. G. BENTINCK, in rising to move, That the Vote be reduced by the sum of £4,500, the amount of the Salary of the First Lord of the Admiralty, said, he wished to explain that he brought forward the Motion, not as a personal attack upon the right hon. Gentleman who held that position, but because he had been assured by the highest authothorities in the House that it was the only method by which he could, in accordance with the forms of the House, raise the question as to the advisability or otherwise of appointing civilians to the head of a Department concerning which they could not by any possibility know anything. In adopting that course, therefore, he disclaimed all idea of making any personal attack; he was attacking a system, and not individuals. So far, indeed, from desiring to say anything disparaging to the right hon. Gentleman at present at the head of the Admiralty or to his predecessors, his only regret was that men with so much energy and ability should be appointed to an office where their undoubted talents must necessarily be nullified, owing to their absence of experience on the subjects with which they had to deal. The present arrangement had existed so long, and was regarded so much as a matter of course, that he felt that any attempt on his part to induce the Committee seriously to entertain the point he had raised would be attended with extreme difficulty. Still, he would remind the Committee that a more important subject could not be submitted to their consideration, and the question at issue was, whether we were now under the best system for the government of the Navy of this country? He ventured to think that throughout the period during which the British Navy had existed — and especially within recent times, many cases had occurred which tended to show that there was a great defect in the management of our Navy which it was the duty of that House to remedy. No parallel could be found in any country in the world to the system upon which our Board of Admiralty was constituted, and he was convinced that when it should be abolished, men would marvel how such an absurdity could have been allowed. In 1855, during a discussion on the subject in "another place," Lord Malmesbury expressed an opinon unfavourable to the present system at the Amiralty, and deprecated its extension to the War Office. The practice in private shipbuilding yards was to seek out men who thoroughly understood the business, and to this circumstance was to be attributed the great success attending the operations of those yards. One cause of the enormous expenditure in connection with the Government Dockyards was the impossibility of any man at the head of affairs, whatever his talents might be, dealing with a subject with which he was not fully conversant. There were some civilians who were competent to discharge the duties of the First Lord of the Admiralty, but those were the managers of private yards; and as they could not be induced to relinquish their engagements in order to accept that office, the present system must be continued, or a sailor must be placed at the head of the Admiralty. Under the prevailing arrangement economy was impracticable, and there was often even great waste of life, though he would not now allude to the fate of the *Captain*, which had been mentioned so frequently. Take the case of the *Megæra.* If there had been a sailor at the head of the Admiralty, such a loss would never have occurred, for such a man would have deemed it to be a part of his duty to see the vessel properly surveyed; but while a landsman was at the head of the Admiralty, he naturally took the report of those about him. Thus, such a person had responsibility without knowledge. Then, as to the question of the expenditure of coals. He contended that the system which had been carried out of tying down captains of Her Majesty's ships to a small expenditure of coal was a system which would never have occurred to the mind of a sailor. The First Lord of the Admiralty was induced to adopt the system, with the best possible intentions; but the plan had led to loss of life and to the expenditure of money, for many of the greatest recent disasters in the Navy had arisen from the ill-ordered attempt to economize coal. If the First Lord of the Admiralty were a landsman, he could not properly understand this question. There was another mischief which arose from the same cause, and that was the dissatisfaction produced in the naval service from such a proceeding. Notwithstanding all the abilities of the right hon. Gentleman (Mr. Goschen) in other respects — and he must repeat that he was not attacking the right hon. Gentleman personally, but the system which he administered—a landsman could not administer the Department for the benefit of the country. He complained also that the Channel Squadron never had a moment's rest, because they got 500 telegrams a-day. [*Laughter.*] He was not speaking at random, because he had seen these telegrams. These might do no harm, but he was sure that they were unnecessary. There were statements to the effect that the Board of Admiralty was nothing but a hot-bed of confusion. It might be said that sailors could not administer the Department better—he was sure that they could not manage it worse. The report of the *Megæra* Commission showed that the business of the Admiralty was not carried on satisfactorily. Did not they show that the authorities of the Admiralty, whom he would at once admit as civilians were men of undoubted talent and ability, were trying to discharge business which they could not understand. They were also told that the system had lasted many years, and that it had worked well; but the system which had worked well in former days was not the system which was in vogue at the present time, for then the First Lord of the Admiralty was merely the representative of the Department in Parliament and the naval authorities carried on the business, but now the First Lord of the Admiralty took all the responsibility of the Department on himself. These were not his own opinions merely; they were the opinions of men well qualified to speak on the subject. The late Sir George Cockburn, a man of acknowledged ability, who had been 17 years Senior Lord of the Admiralty, and during that time had acquired experience of the best means of conducting the affairs of the Navy, had written a pamphlet on the subject which he (Mr. Bentinck) accidentally became possessed of. He was informed that the pamphlet had been written by Sir George Cockburn with the view of leaving it as a legacy to his country. What did Sir George Cockburn say of the system in existence in his day, a system which differed from that of the present day, and which he condemned? He said—

> "I have no hesitation in stating I consider the present system of that Board to be the most unsatisfactory and the least efficient for its purpose that could have been devised."

He went on to say—

> "Secondly, as regards the proceedings of the Board when united for general business, I must premise that nothing can well be more contrary to reason, and I may say to common sense, than for a person to be selected to preside at such professional Board who is totally unable, and admits his inability, to understand three-fourths of the professional statements or even expressions contained in the various documents read on such occasions to the Board, and which, therefore, the professional members of the Board become obliged to occupy time in explaining and endeavouring to make him comprehend, which, nevertheless, cannot always be sufficiently done."

Sir George Cockburn proceeded thus—

> "I experienced great difficulty and obstruction in carrying forward those objects which appeared to me essentially required and called for, and some of which I was obliged to abandon from the opposition of one or other of such disjointed ruling body; and such opposition in some instances sprung from parties having no real knowledge of the professional matters under consideration, but objecting to them in consequence of something that might have been said to them by some irresponsible person."

But Sir George did not leave the matter there, but went on to suggest a remedy. He suggested that the Admiralty Board should be abolished, and that the management of the Navy should be transferred to a flag officer as Naval Commander-in-Chief, to be assisted by two naval officers, Vice or Rear Admirals, and that a leading Member of Parliament should be appointed by the Government—to be in the Cabinet or not as they might think best—who might be described as Controller, to be in constant and cordial co-operation with the Naval Commander-in-Chief, the said civilian Controller to be charged with submitting the yearly Estimates to the House of Commons, and answering all the questions relating to them. Thus what was said to be the great difficulty was at once disposed of—namely, having the Admiralty represented in Parliament. Sir George Cockburn held that the best system would be of no use as long as it was liable to be upset by frequent changes of Government. As to the objection to placing a naval officer at the head of the service because he was likely to show undue favour to those of the profession that had served with him, Sir George said he saw no more reason why this should be the case in the Navy than it was in the Army. He thought he had shown the Committee that he was not asking them to adopt any crotchets of his own. He had quoted what he might fairly call the highest authority on this subject — Sir George Cockburn, who for several years filled the office of First Naval Lord of the Admiralty. The faults and mismanagement of the present system were obvious, and the only argument he had ever heard urged in favour of it was that it was too good a thing to give up—it was one of the best plums in the pie, and no Minister would willingly give up such a valuable piece of patronage. That, they were told, was the real difficulty in dealing with the question. It would be well, therefore, if a Minister were to show that such a charge was not well founded, and that he was prepared to deal with the question solely on its own merits. He asked the Government if they were prepared to assert that the present system had worked well, and that it had not shown the grossest and most grievous errors; and further, if they were prepared to state any ground on which the practice which applied in other Departments of the Government, or any undertaking in private life, would be a monstrous and practical absurdity in the particular case of the Board of Admiralty? The hon. Member concluded with moving the reduction of which he had given Notice.

Motion made, and Question proposed,

"That a sum, not exceeding £169,267, be granted to Her Majesty, to defray the Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1873."—(*Mr. Bentinck.*)

MR. GLADSTONE: Sir, I will endeavour to give an answer to the questions which the hon. Gentleman has very fairly put at the conclusion of his speech. The first condition of our refusing his Motion is, we are told, that we should be prepared to defend all that has occurred at the Admiralty for a good many years past. Now, I at once own that I am not prepared to defend all that has been done in the administration of the Admiralty for a good many years; neither am I prepared to defend all that has occurred in the administration of any other Department of the State. What the hon. Gentleman has got to show—and what I think he has hardly attempted to show, and entirely failed to show—is that the administration of the Admiralty is attended with a greater number of grievous errors and miscarriages than the administration of any other Department of the State. I do not think the hon. Gentleman has borne out that proposition. Neither has the hon. Gentleman, although he has quoted the opinion of Sir George Cockburn, in the slightest degree shown, so far as I can gather from his speech, that it is the desire of the Navy that the change which he recommends should take place. I do not mean to say that if it were the desire of the Navy such a fact would be a sufficient reason for the change, but it would at least be an element in the case; but no proof has been given by the hon. Gentleman that such a desire exists. The second question he has put to us is, whether we are able to show any precedent analogous to the case of the administration of the British Navy? Now, it is material to observe that the hon. Gentleman, who always acts with fairness, attempts to charge us with sophistry; and I, with Christian principle, retort with acknowledging his truth and fairness; but what the hon. Gentleman finds fault with is the established administration of the British Navy. It is not a rule of yesterday that he is attacking, but the established rule—a rule upon which, with certain very rare exceptions, the British Navy has been administered from the time of Queen Elizabeth until now; and I believe Sir James Graham stated to the Committee on the Admiralty that perhaps the most conspicuous defects which ever occurred in the administration of the Navy occurred during the administration of Earl St. Vincent, when he (Mr. G. Bentinck) must admit that a sailor was at the head of the Department. The hon. Gentleman, I think, overstates his case if he contends that there is no precedent. Does he not admit that, substantially, the case of the British Army is the same? I am not sure whether he admits it or not. But how far does it differ? It is the same in this essential respect—that the supreme control and administration is not placed in the hands of a military man *ex officio*, but it is generally, I think, placed in the hands of a civilian. What is the difference, then, in the case of the Navy and that of the Army? The difference is, that in the case of the Navy a Naval Board, subordinate to the First Lord, takes charge of matters purely professional connected with discipline and patronage, and that in the case of the Army these matters are always referred to the Commander-in-Chief, but subject always to the responsibility of the Secretary of State—differing in respect to this—that in the one case there is a Board, and in the other a very high officer, under the control of the respective Ministers; but agreeing with respect to that upon which Parliament above all insists—that for everything done in the Army and everything done with respect to the Navy a political officer sitting in Parliament shall be responsible. Therefore, we have got thus far in the argument—that the case of the British Army as to every substantial point stands the same as the British Navy. But the hon. Gentleman says that it is not the case with other countries. Well, now, here he has overstated his case. I will take the case of America. The American Navy has not usually been a large Navy, but it has usually been a very efficient Navy, and the Navy which, ship for ship, could best look the British Navy in the face in the conflicts of former years. Well, there I believe I am correct in stating that generally—certainly to a very great extent—the American Navy has been under the charge of a civilian. On the Continent, I admit that it is more common that the Army and Navy are under the charge of a man professing to belong to the particular profession. But there are many exceptions even there. At the present time, I believe, the German Admiralty is under the charge of a civilian officer, and in France there have been repeated cases in the Administration when the Minister of Marine has been a civilian. I believe M. Dupont was a civilian, and he was one of the most successful Ministers of Marine known in the organization of the French Navy. So that if the hon. Gentleman can accuse me of sophistry, I can accuse him of error; he has not got up his case with the accuracy required in recommending such an extensive change in the administration of the Navy. Now, the hon. Gentleman comes before us with a recommendation, on the authority of Sir George Cockburn; and I agree with him that Sir George Cockburn was a man whose name is always to be mentioned with respect in naval matters. What is the case with Sir George Cockburn? He made a recommendation to which I will presently refer. But let us look, first, at his personal authority. He enjoyed the confidence of Sir Robert Peel and the Duke of Wellington. The Duke of Wellington did not adopt the plan of Sir George Cockburn, but had a civilian for his First Lord. When Sir Robert Peel was Prime Minister he did not adopt the plan of Sir George Cockburn, but had a civilian for his First Lord; and Sir George Cockburn was perfectly content himself to live under and form part of the opposite system; and down to his old age—I do not know the date of his recommendation—

MR. G. BENTINCK: 1855.

MR. GLADSTONE: I thought Sir George died before that year.

SIR JOHN HAY explained that it was found among his papers, and published after his death by his executor.

MR. GLADSTONE: That is the more remarkable, because Sir George Cockburn ended his public career under Sir Robert Peel as a Lord of the Admiralty, and, therefore, Sir George Cockburn's opinion condemning the system cannot have been a very strong opinion. If Sir George Cockburn only came to that opinion after the dissolution of Sir Robert Peel's Government—I do not remember whether he survived that Government or not—but if he came to it when he was 80 years old, I am not sure that his opinion when he was 40 or 50 or 60 years of age is not quite as worthy of consideration as that which he entertained when he was 80. And what does Sir George Cockburn recommend? It is that there should be a professional man at the head of the Admiralty, and that within the Admiralty there should be a Cabinet Minister, who should be responsible for the finances, and for representing the Admiralty in Parliament. My great respect for Sir George Cockburn must not prevent me from saying that the plan when tried by whatever test we may choose to try it by, is hopelessly and obviously impracticable, entirely beyond the spirit of our Constitution, and diametrically opposed to the whole purpose which the House of Commons and Parliament have been pursuing for years in reference to the Military Department, where its great object has been to establish the responsibility of the man who sat in Parliament and answered any attack on the Department in the face of Parliament. Therefore, what the hon. Gentleman really asks of us, in quoting the opinion of Sir George Cockburn, is to reverse the whole of that policy, and to establish the rule that the Navy shall be managed supremely by a man who is not in Parliament, who has nothing to do with it, but who is to have under him a Cabinet Minister who is to answer to Parliament. That method of proceeding is absolutely and hopelessly impossible. Well, then, let us consider whether there is any other method of procedure. The hon. Gentleman said that if there had not been a civilian First Lord we should never have had the case of the *Megæra*. In what way does the case of the *Megæra* bring home responsibility to the civilian First Lord? If any inference is to be drawn from it at all, it is a very different one from what is drawn by the hon. Gentleman. He complains also that the

Admiralty censures the naval officers in relation to stinting in the consumption of coal, and this stinting in the consumption of coal is owing to our having a civilian First Lord. As far, however, as I am acquainted with the authorship of those rules, a noble Friend of mine (Lord Clarence Paget), who has been Secretary to the Admiralty, was the main agent in giving the greatest stringency to them. [Mr. G. BENTINCK: He was only Secretary.] But there is no proof that any civilian First Lord was the main agent in bringing about the stringent rules as to the consumption of coal; and any First Lord, if he is a man of sense, however desirous he may be of economizing in that or any other matter, will be prepared to abide by the judgment of naval men in such matters. Indeed, distinguished naval men concerned in the administration of the Navy, have had most to do with the rules for restraining the consumption of coal. I must demur to the statement that the Admiralty has thrown on naval officers the blame of disasters occasioned by restrictions imposed by the Department. There is no proof that it imposed the restrictions, and they have not thrown blame on naval officers. They have but followed the opinion of courts-martial consisting of naval officers, and if in any case they have dealt with a point on which they did not follow such an opinion, they have done so in a manner agreeable to what they believed to be the evident dictate of the best naval authority. Well, the hon. Gentleman says there must be a naval officer at the head of the Admiralty. Now, my first proposition in reply is, that he must be a Parliamentary officer — with that I cannot dispense. It forms part of our Parliamentary system. The hon. Gentleman thinks that because a man can command a ship well he is sure to be a good Lord of the Admiralty. But what are the duties of the First Lord of the Admiralty? It does not follow that because a man is a good officer he will be more competent to direct the patronage of the Navy, or the training and direction of the Navy, or the manning of it, or the governing of the scientific men who are concerned in the shipbuilding department of the Navy; it does not follow that he will be able to govern the large establishments of the dockyards, for which establishments he is responsible as the head of the Navy. Still less does it follow that he will be able, better than others, to discharge those extremely important duties of the First Lord of the Admiralty which are strictly political duties. The First Lord is directly responsible for the Estimates he proposes and the amount of force he asks. He must be supreme judge of the distribution of the force; but the distribution of the force is not a scientific question; it is a political question; and a naval captain is not necessarily the best man to determine how the naval force shall be distributed over the surface of the earth. All those questions in relation to the conduct both of the admirals and officers in command of the ships abroad in cases of emergency like those in the China seas, which require the nicest consideration, come home for the consideration of the First Lord of the Admiralty, in conjunction with the Government. Now, I admit at once that the whole which the hon. Gentleman can fairly ask is, that if you can find a man who is possessed of every other necessary qualification, and is also a naval officer, it is an additional advantage that he is so. But you must keep in view that the field of choice is very limited. The number of naval officers in this House is very small, and it is impossible, when choosing who is to be First Lord of the Admiralty, to put out of view the important part he has to play in the discussions of the Cabinet, any more than you can put out of view the part he has to play in the discussions representing his Department in this House. I do not think the hon. Gentleman can ask more than that. I trust that the Committee will not accede to the Motion. I do not believe that the hon. Gentleman represents any very widespread opinion upon this question; for it is a very broad statement to make that the man who governs the Navy should be a naval man, as if the man who is at the head of the Board of Trade should be a merchant, as if the man who is Secretary of State for India should be a man of large Indian experience, or as if the man at the head of the Foreign Office should be an old diplomatist. If, however, general qualifications are thus to be sacrificed for specialities, the result will be that you may make alterations, and find that you have broken up the whole machine, which, however defective it may be, may bear comparison with that of any other country.

SIR JAMES ELPHINSTONE said, there were various reasons which made it a matter of very great importance that the Motion of his hon. Friend (Mr. G. Bentinck) should receive the consideration of the House. The policy of having a civilian First Lord during great changes in the *matériel* of the Navy had been illustrated in a remarkable manner by the mistakes of the last few years. The right hon. Gentleman at the head of the Government had spoken of the rarity of professional First Lords; but he (Sir James Elphinstone) could mention from memory Lord Anson, Lord Keppel, Lord Howe, Lord St. Vincent, Lord Barham, and the Duke of Northumberland. There had been eminent civilians, none more eminent than Sir James Graham, than whom none committed greater mistakes in the course of his administration. He entered office upon the dawn of naval reconstructions, and selected Sir William Symonds, a man of great ability, but possessed by one idea, to carry it out; whereas had a sailor been First Lord, Sir William Symonds would not have been allowed so much latitude in building ships, which, though in many respects improvements, had such defects that they had gradually disappeared from *The Navy List*. The inexpediency of "swapping horses when you are crossing a stream" had been pointed out by President Lincoln, and we had experienced the full effects of neglecting that warning. When we began to reconstruct our Navy there existed in this country a School of Naval Architects superior to that of any country in the world, and our ships, which were built under the superintendence of men educated in it, were beautiful and effective. The *Warrior* and *Black Prince* were specimens of the vessels built under the superintendence of that School; but being called upon to go faster than the light of science would permit, the men who had been educated in that School were superseded by Sir Spencer Robinson and Mr. Reed, who were doubtless gentlemen of great ability, but who had had no experience in drawing the lines of ships, and the result had been that an immense amount of money had been spent in groping in the dark for principles which were perfectly well known to the School of Naval Architects which these gentlemen had superseded. Even at the present moment, after £20,000,000 had been spent on our ships, we had not a single vessel which could be regarded as the type of our future Navy. Such was the miserable result that had been attained by placing the administration of the Navy in the hands of civilians. The civilian knew neither fear nor embarrassment in the administration of the Navy; he rushed blindly on, and plunged into matters—of which he comprehended nothing. While, however, he admitted the necessity of having a statesman connected with the Navy, he thought that it should be under the direct management of professional officers, whose experience would preserve them from committing the blunders which had occasioned the disastrous accidents that had recently occurred to several of our ships. The right hon. Gentleman had stated that no man could be found in the naval profession who was capable of dealing with the construction, the manning, the education, and the distribution of our Navy. With that statement he could not agree, because he believed that men like Sir Alexander Milne were fully capable of undertaking the control of those matters. How had the education of the Navy fallen into the hands of the right hon. Gentleman himself? The manning of the Navy was now in as good a position as it could possibly be, while the construction of the Navy was at this moment in a state of the greatest possible uncertainty. As regarded the distribution of the Navy, he thought that a naval officer who had served in every part of the world with distinction was much better able to understand the requirements of the various naval stations than a civilian was. As it was, the civilian rule over the Navy had led to frightful catastrophes, for the withdrawal of our naval force from Greece, China, the Fiji Islands, and the Persian Gulf had been followed by massacres and disorders. Turning to a point with regard to which considerable controversy had arisen, he attributed the recent accidents which had occurred to several of our vessels to the penurious orders of the Admiralty with regard to the consumption of coal. He should like to ask those hon. and right hon. Members who were anxious to win their spurs by cutting down every species of expenditure to the lowest possible point, if they were aware how largely the safety of our vessels was affected by such orders? A huge iron-clad running at four or five knots an hour without adequate steam-power, was a danger not only to herself, but to all the other ships which might be in her company. In that way the disasters to the *Agincourt* and the *Lord Clyde* were caused. As to the *Megæra*, a naval First Lord would soon have discovered that there was a screw loose in reference to her, and probably she would have had her cargo taken out, and it would have been discovered what was the matter; and, certainly, he would not have sent her round the Cape when she could have gone through the Canal down the Red Sea, because she drew only 16 feet of water. Now, with regard to coal, the right hon. Gentleman denied that officers had been controlled in an undue degree in reference to the consumption of coal.

Mr. GLADSTONE explained that he did not say that; but what he did say was, that there was no proof that under civilian rule at the Admiralty the rules referring to the consumption of coal had been altered.

Sir JAMES ELPHINSTONE proceeded to refer to the Report on the subject which had been published in April last, from which it appeared that Sir Thomas Symonds, Sir Alexander Milne, Captain G. O. Willes, C.B., and other men of eminence in the naval profession, had expressed strong opinions in favour of smokeless Welsh coal as compared with the North-country coal, which emitted vast volumes of dense black smoke, which rendered our vessels conspicuous at 30 miles distance, and which would prevent batteries being approached when to leeward, and signals being observed in the Fleet. He ought to mention, in passing, that in addition to the difference of cost attending the introduction of that abominable mixture which made it impossible for our fleets to manœuvre, and caused the destruction of the clothing and equipments of the men, the whole of the furnaces in Her Majesty's Navy had to be altered at a very great expense to enable them under ordinary circumstances to burn that coal, because, as was stated by Admiral Hornby, while jogging along at an easy speed, they might consume a portion of their smoke; but if they began to drive the ship at all, the smoke came out of the improved furnaces just as badly as it did before. Admiral Yelverton gave it as his opinion, from the difficulty experienced in the late evolutionary cruise in distinguishing either ships or signals, that the use of that description of coal in the hour of need might lead to national disaster. Again, Mr. Swift, Inspector of machinery afloat, wrote to Commodore Phillimore, that on a comparison between the two kinds of coal under the same conditions, the economy in favour of the Welsh coal by itself exhibited almost the unexpected amount of 22 per cent. Yet the officers in command of our fleets were not only forced to burn that rubbish, but were restricted in the speed at which they were to sail their ships. That he held to be a thing which would never have entered the mind of any sailor. The first object of a sailor was to keep his ship in command for all emergencies; and one officer, in whose opinion he concurred, said that, in order to be able to meet any emergencies, the speed ought not to be allowed to fall below six or seven knots. What was the result of the Reports of those gallant officers? Why, two or three letters of the most extraordinary special pleading from the Secretary to the Admiralty and the Controller—letters which might almost have led one to suppose, though he did not believe it was the fact, that those gentlemen had a personal interest in the consumption of that abominable mixture. He was sorry to see any Department use the language which had been used towards men, certainly superior in nautical knowledge, like Sir Alexander Milne, who was himself every way qualified to be their First Lord of the Admiralty. The right hon. Gentleman said that the American Navy had always been administered by civilians. [Mr. Gladstone: No, not always.] Well, no doubt it had generally; but then an American was a sort of amphibious individual, who could adapt himself to matters of this sort very rapidly. Moreover, in the American Navy there was much more left to the individual captain of the ship than in the British service. In the only period when the American Navy asserted what he might almost call its individual superiority to ours, the ships had been carefully built and specially prepared for some years for a particular contingency under the suggestions of the captains and officers who were to command them, and who knew that their ships were superior in weight of metal and in other respects to those which would be opposed to them. As long as that small American squadron existed, therefore, we had a difficulty in extirpating them; but we did extirpate them, and the war came to an end. The ground he took, then, was this—It must not be supposed because a man was a naval officer that he could not be an able administrator; and he believed that had the reconstruction of our Navy been placed in the hands of a professional man of the high calibre to which he had referred, the saving to the country would have been enormous. The Government had been lately arguing against the possibility of a Scotch Board managing the expenditure of £250,000 a-year, and yet they put into the hands of the right hon. Gentleman (Mr. Goschen) many millions to be made ducks and drakes of in the building of ships which could not float, and they had a Navy which, if it had to be concentrated for any practical purpose, could not carry 10 days' coal, or maintain itself off Brest Harbour in the month of March for a week.

MR. G. BENTINCK desired to withdraw the Amendment, as he did not wish in the present state of the Committee to divide.

MR. GOSCHEN said, the Government would prefer that it should be negatived.

Question put, and *negatived.*

Original Question again proposed.

LORD HENRY LENNOX, in rising to move to reduce the Vote by £1,000—the amount of the Salary of the proposed Deputy Controller of the Navy—said, that it was on the 22nd of March that the right hon. Gentleman the First Lord of the Admiralty announced the change which he proposed to make in the Governing Body of the Admiralty; but unfortunately, in consequence of a new arrangement having been come to with reference to the conduct of Business, it was not until the Dog-days that an opportunity was afforded for discussing his proposals. That delay was to be regretted, and from what the right hon. Gentleman at the head of the Government had said on a previous occasion, with reference to the importance of this Vote, it was to be presumed he joined in this regret. There was an increase on the Vote this year of £11,268, and, deducting a sum of £1,538 transferred from other Votes, the net increase appeared to be £8,730. That included the cost of an increase in the clerical staff, he believed; and to this he would have offered no objection, if rumour had assured him that the Department was better served in consequence. But questions connected with the office of the Permanent Secretary had lately come under discussion, and something had been said upon the question of the management of the Admiralty under this reformed system. The right hon. Member for Pontefract (Mr. Childers) had commenced the changes. He had abolished the office of one Lord of the Admiralty and had divided the salary between two others; he had also abolished the office of Controller of the Coast Guard, formerly held by Admiral Tarleton, and had created the office of Chief of the Staff. He was very glad, for the best interests of the service, that the office of Chief of the Staff had disappeared; his was always an anomalous position, and a most irresponsible one. His emoluments were spread over several Votes, and great diligence was required to discover what were his duties. *The Times*, commenting upon the abolition of his office, had said that the duties of such an officer should be so important, that it was to be regretted he was not an officer included in the Board, so that everything he did and said would have the weight his position entitled him to. With reference to this point, he would mention that under the new regulation the Controller of the Navy would find himself in the same position as the Chief of the Staff, for he was no longer included in the Board, and therefore, according to the doctrine he had quoted, the decisions of the Controller of the Navy would in the future not have that weight and authority which would otherwise attach to them. He did not question the right hon. Gentleman's anxiety to do the best for the service; but proposals more calculated than those of the right hon. Gentleman to bring about want of harmony he could not conceive. There was one point on which he had real cause to quarrel with the First Lord of the Admiralty, and that was the statement that his system was the same as that introduced by the right hon. Member for Pontefract in

1869, and that he was only amplifying and extending it. He must contradict that assertion; and, in passing, he would take advantage of the opportunity to say that in all that concerned the dockyard arrangements, he much preferred the plan introduced by the right hon. Gentleman the Member for Pontefract to the new arrangement of the right hon. Gentleman opposite. He could not understand the meaning of the continuous repetition of the statement as to there being no change in the system. Up to the year 1869 the number of the Lords of the Admiralty was five. The right hon. Member for Pontefract reduced them to four, and the present First Lord had restored them to the original number. In 1869 the Parliamentary Secretary to the Admiralty was a political person, had access to all Admiralty papers and documents, and was ready, in case of need, to take the place of the First Lord in that House. The right hon. Member for Pontefract did away with that arrangement, and made the Parliamentary Secretary a sort of head to the Purchase Department; and now, the present First Lord restored the Parliamentary Secretary—and very rightly—to the position which all Parliamentary Secretaries of the Admiralty had before held. The Board sittings, up to 1869, were continuous sittings; but under the right hon. Member for Pontefract those continuous sittings were done away with, and now the House was told that they were to be restored. Again, the position occupied by the Controller afforded a remarkable proof that the systems of the late First Lord and of the present First Lord were diametrically opposite. Up to 1869 the Controller was the servant of the Board, and after 1869 he was a Member of the Board; and now, again, he was to be a servant of the Board, without any compensating honour being given him. When the right hon. Gentleman (Mr. Goschen) said that nothing should be done in the way of shipbuilding without consulting the Controller, it must be observed that that was no new arrangement. During the whole period when the Admiralty was presided over by the Duke of Somerset, the right hon. Member for Droitwich (Sir John Pakington), and the right hon. Member for Tyrone (Mr. Corry), the Controller had ample opportunity of discussing all shipbuilding projects with the Board. The right hon. Gentleman the present First Lord proposed to establish a third Secretary to the Admiralty in the shape of a naval officer. He could not understand why there should be three Secretaries to do the work which two had always done very well before. He admitted that there was much to be said in favour of the present Permanent Secretary being a naval officer, for that secured a permanent naval element in the Board; but that did not justify, in his mind, the appointment of a third Secretary. To the proposed appointment of a Deputy Controller, however, he had only the most unqualified opposition to give. The object of every Board of Admiralty from the time of the Duke of Somerset had been to draw closer and make more intimate the connection between the Controller and the dockyards, for then the more strict the responsibility, the greater was the security for the efficiency of the service. Moreover, the chief object of the right hon. Gentleman the Member for Pontefract when presiding at the Board had always been to endeavour to carry out that policy; but the present First Lord did not, however, seem to appreciate the advantage of it. He (Lord Henry Lennox) would appeal to the heads of business firms whether they would employ a person to design an elaborate ship, and then leave it to the dockyard people to carry it out as best they could? Under the Board of Admiralty with which he had been connected several Orders in Council were issued giving facilities to the Controller of the Navy in his relations with the dockyard workmen; and, in his opinion, the connection of the Controller with the dockyards could not be too close. It was said that the business of the proposed Deputy Controller would be to attend the dockyards, and deal, without reference to the Controller, with those questions which merely touched the administration of the dockyards. Now, what were those matters which could be safely trusted to a subordinate officer without reference to his superior officer? He thought when the design of a ship had been made by the Constructor and approved by the Board of Admiralty, the work of the Constructor was only commenced; until the ship was in commission it was not at an end. With the rapid strides of science and information as to the strain upon the work in one part of the ship and the material necessary to meet it in another, there must be a constantly changing process going on in the mind of the Constructor; so that, unless he saw, watched, and directed everything, he could not be responsible for the designs he recommended to the adoption of the Board of Admiralty. He therefore hoped the right hon. Gentleman intended to remodel the instructions he announced on the 22nd of March, and the appointment of Inspector of Dockyards should be given up. He did not see what that officer could do that the Controller of the Navy could not do already. If they gave the Controller full responsibility in charge of the dockyards, he could carry out the duties of his office; but if there was an officer under him who could give orders without reference to him, it would be far from satisfactory. He would ask, also, what position Captain Hood would occupy as Director General of Naval Ordnance? There was nothing more important than that the connection should be intimate between the gentleman who designed a ship and the gentleman who had charge of the ordnance that ship was to carry. With regard to the Controller of the Navy, he was very glad to observe by a statement in the paper to-day that his gallant and highly-esteemed friend Admiral Houston Stewart was to have £1,700 a-year, and that he would be able to retain his half-pay; but he very much feared that he would not be able to enjoy his half-pay with his salary and emoluments. He had not seen his gallant friend for the last six months; nor had he had the slightest communication with him or his friends, but he hoped that a point would be strained if necessary, with a view to such an arrangement.

MR. GOSCHEN: There was a difficulty; but the Law Officers of the Crown have come to a different conclusion.

LORD HENRY LENNOX said, he was very glad to hear that the difficulty had been overcome, and that he had been fortunate enough to draw from the right hon. Gentleman the announcement. He hoped the right hon. Gentleman would reconsider the matter to which he (Lord Henry Lennox) had referred; that he would remember that he proposed largely to increase the Vote; that he was appointing new officers that would increase the cost to £4,900 a-year for work that was done under the old Board for £3,200 per annum, and under the right hon. Gentleman the Member for Pontefract for £2,900 a-year. He wanted to see the service placed on a solid and durable basis, and not made the subject of constant debates in that House; and he could assure his right hon. Friend that he was firmly convinced that if he persisted in the appointment of a Deputy Controller, it would only tend to produce a clashing of authority and a weakening of responsibility in the Department, and to content himself with those changes, both in the constitution and in the procedure of the Admiralty, which he had already enunciated. He would move the reduction of the Vote by £1,000.

Motion made, and Question proposed,

"That a sum, not exceeding £172,767, be granted to Her Majesty, to defray the Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1873."—(*Lord Henry Lennox.*)

MR. T. BRASSEY: Sir, in his interesting speech, the noble Lord who has just sat down has severely criticized the appointment of a Surveyor of Dockyards. If the relations between that officer and the Controller of the Navy were intended to be such as the noble Lord has described, the expediency of the appointment would be extremely doubtful; but if the duties of a Surveyor of Dockyards are laid down with judgment, he would be able to render valuable service. If a comparison be made between the constitution of the Admiralty and a commercial establishment charged with the control of a business of equal extent, the cost of the Admiralty Office bears an exaggerated proportion to the amount of business which it conducts. Yet, notwithstanding the large amount of the expenditure, the Department seems to be weak in its administrative power, while the clerical staff is unnecessarily large. Facility for the tabulation of returns and records will not secure good administration. It was well observed by my right hon. Friend (Mr. Childers), in the course of his examination before the *Megæra* Commission, that—

> "No mechanism which the thought of man can devise will be perfect, unless those who have to work it do work it thoroughly. If somebody neglects his duty, there is no system of duplication or triplication which will effectually detect it in all cases. Responsibility is the keystone of good administration."

The higher officers of the Admiralty are overworked; but if you want to relieve them of some portion of their burden, you must employ as their assistants persons of high qualifications, and with that technical knowledge, without which the management of a manufacturing business cannot be successfully conducted. In his examination before the *Megæra* Commission, Sir Spencer Robinson quoted a passage from a Memorandum, which he had addressed to the Admiralty in January, 1861, in which the necessity for such assistance is strongly urged. Having explained the increase of work, he had stated that he did not propose to their Lordships any increase in the number of clerks, but did most earnestly submit for their consideration, that the proportion of superior clerks should be increased. To the same effect, in another portion of his evidence, he said that each department of the Admiralty should have a secretary who should be under the general superintendence of the Chief Secretary. "As to each of the Departments," said Sir Spencer Robinson—"I can say confidently that the want of a secretary almost kills us; it wears us to death." The cry of despair, which was uttered by the late Controller of the Navy, has been sent forth before by many an exhausted official. The redundance of clerical, the deficiency of administrative power, which may be observed in every Department under Government, have been criticized by all who have examined the constitution of the public Departments in a comprehensive and philosophical spirit. In an able article in *The Quarterly Review* for July, 1869, three principal reforms are described as being urgently required in every branch of the public service—namely, greater concentration, fewer clerks, and higher pay. The reviewer very judiciously urges that while the clerks for the mechanical duties should be chosen from a class which could not aspire to high posts, the other class should consist of young men trained by the best education England can afford, desirous of a somewhat easier and surer life than the struggles of the bar offer; preferring administrative work, or conscious of administrative ability. How many such men are there in the Admiralty? This class is hardly represented at all, while the mechanical class is far too numerous. The justice of these criticisms is apparent when the expenditure under Vote 3 is carefully examined. The total amount of the Vote is £174,000, of which salaries represent £160,000. For so large an outlay the very highest administrative talent, and constructive and mechanical ability, which the country affords, should be at the command of the Admiralty. Setting aside the Parliamentary officials and the naval officers at Whitehall, who are not responsible for the naval architecture of the Navy, or for the workmanship or expenditure in the different yards, how is the professional class, which is really responsible for these things, represented? With an expenditure of £974,000 for labour in the dockyards; £971,000 for stores; £690,000 for machinery; total, £2,635,000, in the current year, we have only two professional or civilian officers in the constructive and engineering department receiving £1,000 a-year—the Chief Naval Architect, and the Surveyor of Dockyards. This distribution of the Vote is the more extraordinary, because there are 22 salaries at the Admiralty of £1,000 per annum and upwards, and because the professional officers, whose responsibility in respect of the naval expenditure is so great, are not paid in prestige like the officers of the Royal Navy. Commercial men know well that the salaries paid to the civilians at the Admiralty are not sufficient to attract men of very high qualifications from the private shipbuilding yards. The locomotive superintendent at Crewe, until lately, received a salary of £5,000 a-year. The responsible agents in charge of a railway contract receive much higher pay than the civil officers of the Admiralty. The argument for higher salaries is not urged in the belief that the confidential managers of the private shipbuilding yards will be induced to leave a good employ, with which they have many ties: but a more liberal remuneration would be the means of preventing the most promising members of the Civil Staff of the Admiralty—men who have been for many years receiving a most valuable practical education at the public expense—from quitting the service when the time had arrived when their services were becoming most valuable. In endeavouring to strengthen their constructive staff, by the creation of a new and highly-paid appointment, the Admiralty are pursuing a most judicious course. The appointment of a Surveyor of Dockyards, as a medium of communication between the Controller of the Navy and those establishments, should be the means of considerably reducing the too voluminous correspondence which is now conducted between Whitehall and the naval yards. The cumbrous nature of the present system cannot be appreciated without a few figures. Sir Baldwin Walker informed the Committee on the Management of Dockyards in 1860, that in the surveyor's department, in 1834, the number of letters amounted to 3,698 with 4 clerks; in 1848, to 6,758 with 7; in 1850—when the steam department was transferred to the Surveyor of the Navy—to 10,650 with 11; in 1854, to 22,259 with 11; in 1856—the period of the Russian War—to 32,178 with 16; and in 1859, to 36,296 with 16. Sir Spencer Robinson has recently made a statement to the *Megæra* Commission showing how the correspondence had steadily increased in recent years. He said that in 1863 the number of letters in his department was 60,000, and the number of clerks 29; while in 1870 the letters were 70,000, with 30 clerks. That such an increase should be allowed in the correspondence is conclusive evidence that the system of concentrating the management of the dockyards in the office of the Controller in London had been carried too far. If by the appointment of a Surveyor of Dockyards the immense mass of correspondence now conducted by the Controller can be diminished, a very valuable reform will have been effected. The Controller will be enabled to pay more frequent personal visits to the dockyards, and all who have had experience in administration know that the presence of the master's eye will infuse a vigour into the work which is being carried on, which cannot be secured by any other means. The necessity for strengthening the department of the Controller with an additional professional officer, holding a high and confidential position, has been recognised by many high authorities. Admiral Smart's Committee on the Management of the Dockyards, which was appointed in 1859, stated in their Report that they were of opinion that if the dockyards were frequently visited by a practical shipwright, and a practical engineer officer, representing the Surveyor of the Navy, it would be attended by many beneficial results. Better judgments would be formed of the persons most fit for the promotions which are constantly occurring in the different grades. The energies of the officers, from the principal officers downwards, would be more advantageously drawn forth. In 1861, in his evidence before the Committee of the Board of Admiralty, the Duke of Somerset said that the Controller, being at Whitehall, could not really know sufficiently well what was going on in those various distant dockyards, and had not the means of sending some one frequently enough to ascertain. In consequence, he had attached to the department of the Controller another shipwright officer to assist in those inquiries. In view of these recommendations, I trust that the Motion of the noble Lord may not be carried. I myself most anxiously desire to see an officer of the rank of Deputy Controller at the head of every yard; but even when we have improved both the position and the pay of the principal shipwright officers, an additional inspecting officer on the staff of the Controller is equally necessary. For his wise decision to increase the administrative power of the constructive department of the Admiralty, and to substitute for a redundant correspondence a more effectual system of supervision by personal observation and control, the First Lord of the Admiralty deserves the warm commendation of this House.

MR. GOSCHEN said, it would be for the convenience of the Committee if, without going into the whole question raised, he stated shortly what he proposed should really be the functions of the Surveyor of the Dockyards and how far his proposals corresponded with the representations made by the noble Lord. He wished it to be most clearly and distinctly understood that the appointment of a Surveyor of Dockyards was not in the slightest degree to interfere with the authority of the Controller of the Dockyards, and it was not to diminish the responsibility of the Controller. No one could attach greater importance to that power than he did. As in time past, he wished the Controller to retain absolute power with regard to the dockyards; but he was certainly anxious that the Controller should be aided and helped by an officer whose special function it should be to concern himself with what might be called the administrative part of the management of the dockyards, in the same way as the Controller was assisted by the Constructor, who designed ships. It was precisely in an administrative point of view that the Controller's department was at present weaker than the others; its constructive ability was very great. Hitherto the officer whose duty it had been to occupy himself with the highest scientific questions of the day connected with the designing of ships, and to follow the processes of shipbuilding in other countries, had also had to attend to the very smallest questions of administrative policy—such as the adjustment of the rate of pay between different classes of workmen. That had always appeared very undesirable to him, and he was anxious there should be in the Controller's department an officer whose continuous attention should be given to these administrative questions. It was impossible to insure that the man would be both the best naval architect and the best administrator that could be selected, for the capacity for building ships was distinct from the capacity for administering dockyards; and he thought no one would maintain that the man whose duty it was to produce designs for iron-clads should determine that the rate of pay between caulkers and joiners was properly adjusted. From considerations of this kind, it had appeared to him that this plan, which had caused him the greatest anxiety for the last three or four months, ought to be adopted. He had considered it in all its details, and the noble Lord opposite would not expect him to abandon it in consequence of the expression of a few adverse opinions. What he wished to secure was the presence in the Controller's department of a high officer, who, though he might be thoroughly competent to design ships, should consider it his main duty to deal with the particular class of questions which arose in regard to the administration of the dockyards — questions as to whether the various dockyards were producing the same quantity and quality of work in proportion to their resources, whether the number of men on the Establishment bore a proper proportion to the number not on the Establishment, and questions as to pay and promotion. He did not wish this officer, however, to deal with such questions without consulting the Controller; but, as the Controller had the Naval Architect and the Chief Constructor to assist him in designing, he ought also to have some one to investigate questions of this kind for him. One reason why he did not wish to bring this question before the House at an earlier period was that he might have the advantage of conferring with the present Controller on the subject. During the last three months he had listened to the representations made to him by the Constructors — that they thought his plan, as originally framed, would interfere too much with their power and control over the building in the dockyards. He informed them that if they thought the administrative officer would be placed in too high a position as compared with the Constructors, he was willing to waive that point, as he did not wish him to take the place of Deputy Controller in the sense of being second in the whole office, and having authority over the others. What he wished was to have an officer to discharge this particular class of duties, for the performance of which he would, under the Controller, be held specially responsible. He must point out to the Committee that there was at present a Council of Construction, the arrangements in regard to which differed to a considerable extent from those which existed when the noble Lord opposite was in office. Formerly the Chief Constructor made some designs without consulting any of his colleagues, but at present the plan adopted was as follows: — Though one Constructor designed a ship, all designs were submitted to the President of the Council of Construction and his colleagues. They met together and discussed each design in all its details before it was submitted to the Board of Admiralty, by which means they believed they insured more correctness, and each Constructor got the advantage of the opinions of the others, although, of course, he was himself the author of the design. Now, he proposed that the new officer should also be a member of the Council of Construction, in order that he might hear all that was going on in regard to construction, and give his opinion on the mode of carrying out the designs. He expected this Surveyor of Dockyards to relieve the Constructors from a portion of the work which, in his opinion, interfered with their higher duties at present, and to give them more time for working out their designs. The noble Lord opposite was aware that there was one Constructor less than the number which existed in his time, owing to Mr. Reed's place not having been filled up. He proposed to leave the number of Constructors as it was at present, but to maintain the strength of the department by separating the duties of the administration of the dockyards — to make one man responsible for them, giving ample authority to the Naval Architect and his colleagues to proceed to the dockyards, and to have the same control over the execution of the designs as they now exercised. He denied that the adoption of the plan would cause an increase of £1,000 in the Estimate, as far as the Surveyor of Dockyards was concerned, for in such a contingency it would not be necessary to appoint another Constructor. The noble Lord opposite had asserted that this Vote increased the Estimates by £8,000, and he mentioned the circumstance in connection with the reorganization — although it was true he did not say it was due to the reorganization. Of that increase of £8,000, no less than £3,000 was paid for the rent of certain houses which the Department had been obliged to occupy. [Lord HENRY LENNOX said, he could only take the figures as they were laid upon the Table.] The noble Lord, if he examined the Estimates, would find the details of this sum of £3,000 there set forth. Then a further addition of £3,000 was owing to the progressive increase in the salaries of the clerks, though he might mention that there had been no increase in the number of clerks employed; and only the balance of £2,000 odd was due to the reorganization. There was another change which he hoped would commend itself to the Committee. At present there was but one Engineer, although the sums passing through the hands of the Admiralty for engines, boilers, machinery, &c., in the dockyards were enormous. It was proposed, therefore, to appoint an Assistant Engineer. The cardinal point to which his right hon. Friend (Mr. Childers) attached so much importance was, that each man at the Admiralty should be responsible for his own work, and that it should not be done jointly by a Board. Formerly the executive acts were the acts of the Board of Admiralty. His right hon. Friend separated the work, and made every man responsible for his own work, the First Naval Lord being personally responsible for the *personnel*, and the Controller for the *matériel* of the Navy, while the other Lords were responsible to the First Naval Lord. The noble Lord said he (Mr. Goschen) had re-established the Board. But he had not re-established the executive functions of the Board, and each man was responsible in precisely the same way as he used to be. The responsibilities of some persons might have been widened, and the responsibilities of others modified; but the fact remained that each was responsible for his work, and that it was not the action of the Board of Admiralty. They had their daily meetings every morning. The various Lords and the Secretaries met and heard the most important of the letters read, so that they had every information as to what was going on, and had the opportunity of communicating freely. That was not the old system. Under that system the Secretary was present when the Board assembled, and he minuted a number of decisions. At present no man was relieved from his responsibility by saying that the Board met or had come to a certain decision. To the responsibility of individual members of the Board he attached the greatest importance, and he could not allow that the value of the reforms introduced by his right hon. Friend had been in any way diminished by the changes he had made. He had been anxious to explain to the Committee the spirit in which he wished to arrange the appointment of the Surveyor of Dockyards. He was convinced it was an appointment in the public interest, and he must decline to accept the advice tendered him by the noble Lord opposite that he should drop that appointment.

MR. CORRY said, that in the earlier part of the Session he asked the House to agree to a Resolution affirming that the Order in Council of January 14, 1869, had tended to the disadvantage of the Naval Service, and ought to be reconsidered. He then pointed out the particulars in which the Order in Council had worked badly—namely, in regard to the disuse of Consultative Boards—the combination of the office of Controller with that of a Lord of the Admiralty—the reduction of the number of Naval Lords, and the change which reduced the position of the Parliamentary

Secretary to that of a mere head of a department. These were the whole changes made by the Order in Council of 1869. The First Lord, in reply, conceded the whole question, and consented to revise the Order in Council in all those respects, and it was upon that undertaking that he allowed his Motion to be negatived without a division. The First Lord introduced each of these concessions with much circumlocution, and wished it to be understood that no change in principle had been made. He did not blame him for letting down the late First Lord, as sailors would say, "handsomely." He did not blame him for that. It was sufficient for him that the Order in Council had been subverted root and branch. The right hon. Gentleman said that his Predecessor had made great changes in the right direction. All he cared for was that he had reversed the Order in Council, which had introduced those changes, in every particular in which it differed from the old system. The right hon. Gentleman still asserted that there had been no departure in principle from the system established in 1869. If he thought that to be the case he should not be so satisfied with the changes made as he was. Although, however, the modifications now made in the Order in Council were a great improvement, there was still too much of the old leaven left. There was, especially, too great an attempt at adherence to the departmental system at the Admiralty. The right hon. Gentleman said that under the system introduced by the late First Lord each man was responsible for his own department. That was, however, also the case under the old system as it had been left by Sir James Graham. Each Lord brought his own business to the Board, and each was responsible as now, and there was a permanent officer at the head of each department. The First Sea Lord of the present Board, Sir Sydney Dacres, in his evidence, laughed at the idea of his responsibility being any greater now than under the old system, when he served with himself (Mr. Corry) at the Admiralty. At the Admiralty the departments were so dovetailed into each other that it was impossible to draw a hard-and-fast line between them. The most salient development of the departmental system was the appointment of three permanent Secretaries—one to each department—for the Controller was to sign as a Secretary in his own department. Such a regulation could lead to nothing but confusion. There would be one set of men attending to one set of letters and one class of business, and another set of men to another class of business. There were to be two co-equal Secretaries—one to look after the *personnel* of the Navy, and another to attend to the financial business; while the Controller was to be virtually a third Secretary, responsible for the correspondence relating to the *matériel* of the Navy. The right hon. Gentleman, in introducing the new system to the House, said—

> "After this arrangement has come into operation, I hope there will be no longer any doubt as to who is responsible for letters which leave the Admiralty."—[3 *Hansard*, ccx. 211.]

He, on the contrary, thought that no one would ever know who was responsible for the letters leaving the Admiralty, and that it would be difficult to know where to find a letter. Formerly there was only one Permanent Secretary, and Mr. Romaine was not overwhelmed with work. He was responsible for all, and there was but one Record Office. Sir John Briggs, who had served a life at the Admiralty, said—

> "If I was called upon to find a paper, it was brought to me in a minute, because all papers passed through one hand."

That was the hand of the Permanent Secretary of the Admiralty. What did Sir Sydney Dacres say before the *Megæra* Commission?—

> "Since the Admiralty was centralized so much more papers are lost in a day than in three months before. You never know where they are gone to. They go to the Store branch—they go to the Controller's branch — they go here and there."

That was the difference between letters passing through one and many hands. Great hilarity was excited when Mr. Lushington, in his evidence before the *Megæra* Commission, talked about a "phantom Board," and said that the business was done "here and there." But that was the inevitable consequence of this diversity of Secretaries, each in charge of a separate Department, and he was certain it would be found that the three-Secretary system was one which would work as badly as possible. [Mr. GOSCHEN: There were two Secretaries—a Parliamentary and Permanent Secretary—under the old system.] Yes; but all letters passed through one hand—that of the Permament Secretary. There was now no one person in the Office who had his hand upon the whole business of the Office, as the Permanent Secretary used to have. Some time ago he wrote to a gentleman—not Sir John Briggs, whom he had so often quoted—of very great experience in Admiralty administration, and asked him what he thought of this division of responsibility between the Secretaries. He replied—

> "With three Secretaries presiding over different departments, it would be self-evident there would be three acting independently of each other's acts, and probably not in unison. In the Admiralty all matters are so dovetailed together that departmental organization must be a failure. The Secretaries ought to be in subordination one to the other—the first Parliamentary, the second financial, the third assistant."

He cordially concurred in that view. As long as all the business passed through one hand, that hand was competent to deal with everything. But when one man knew nothing about the *personnel,* another knew nothing about the *matériel,* and another knew nothing about the financial business, everything would fall into confusion. To make the Controller the signing officer for matters relating to *matériel* appeared to him a most extraordinary arrangement. The Controller had something else to do besides wasting his time in signing papers. He could speak from experience, for at one period of his service at the Admiralty half his time was taken up in signing papers, and he could not describe how much it bored him, if he might so speak, and how it interfered with his attention to the real business of his department. And was the Controller's precious time to be taken up in that way?

MR. GOSCHEN: He is to have the right of signing such letters about *matériel* as he wishes; but he is not bound to sign them.

MR. CORRY: What became, then, of the departmental system? and who was to sign the other letters relating to *matériel?* In former times the Controller was the servant of the Board; the late First Lord of the Admiralty made him a Member of the Board; but under the system established by the right hon. Gentleman opposite, the Controller was neither servant nor member. That being so, on whose behalf was the Controller to sign? How was it that an officer, who was neither servant of the Board nor member of the Board, was to exercise the functions of the Board? He had objected to the arrangement of the right hon. Member for Pontefract, which made the Controller a Lord of the Admiralty; but in this respect it was better than the present arrangement. Here was a man who was neither a member nor a servant of the Board, but a mere abstraction, and yet the whole details of the *matériel* of the Navy were to be regulated by him, and he was to sign letters relating to the whole business of the dockyards; by what right, he was at a loss to understand. There was another part of the present arrangement to which he should attach very much importance if he did not know that the whole thing was, to use a vulgar word, "bosh," from beginning to end. The right hon. Gentleman the Member for Pontefract had attempted to establish the principle that there was to be no intervening influence between the Controller and the First Lord; that no one of the Naval Members of the Board—not even the First Sea Lord himself—was to have any right to interfere with the Controller. But he defied the right hon. Gentleman to carry on the business of the Navy on such a system. Would the right hon. Gentleman inform him that Sir Sydney Dacres never interfered? The instance of the difference between Sir Sydney Dacres and Sir Spencer Robinson, in the evidence before the Duke of Somerset's Committee, respecting the building of the *Raleigh,* would be recollected, in which Sir Sydney Dacres not only interfered, but said the notions of the Controller ought not to be considered. He did not agree with his hon. Friend the Member for West Norfolk (Mr. G. Bentinck) when he dwelt this evening on the danger of having a civilian First Lord of the Admiralty. But if the First Lord was to take the superintendence of the whole business of the Controller into his own hands, the question would assume a different aspect. The First Naval Lord always had, and always must have, a direct right of interference. What did the right hon. Gentleman's own Order in Council say? It said this—

> "The Naval Lords shall be responsible for all business relating to the *personnel* of the Navy and to the movement and condition of the Fleet."

Who on earth was it that put the Fleet into a condition to be moved but the Controller of the Navy, and how could the First Naval Lord be responsible if he had no right to interfere? He had reason to believe, however, that things were managed pretty much as usual. He met a distinguished officer the other day who was likely to know something of the matter, and he told him that things were carried on now very much as they were in former times, which he thought creditable to the good sense of the First Lord. The question, therefore, was really hardly worth discussing. There was one appointment to which he meant to have taken very strong objection, but for the fact that it had been so fully and ably dealt with by his noble Friend the Member for Chichester (Lord Henry Lennox), and that the matter had been explained to-night in a more or less satisfactory way by the First Lord of the Admiralty. He referred to the office of Deputy Controller. The Deputy Controller was stated by the First Lord in his opening speech on the Estimates to be one

> "Whose special business is to attend to the efficient working of the dockyards and to deal, without reference to the Controller, with most of those questions which touch merely the administration of the dockyards."—[3 *Hansard*, ccx. 208.]

He was glad, however, to find that the strict subordination of the Deputy Controller was to be provided for. He did not think, however, that the appointment was likely to conduce to the interests of the service. One argument used in favour of appointing a Deputy Controller was that the Controller was so overworked that he had not time to perform his proper functions. But the right hon. Gentleman himself and his predecessor were the cause of that by throwing on the Controller business with which he ought to have nothing to do, and adding to his proper duties those of the Storekeeper General, whose office had been abolished. The Controller of the Navy was responsible for the success or failure of such enormous and complicated ships as the *Devastation*, the *Sultan*, and others—vessels upon which millions of money had been spent. And was an officer, whose attention ought to be devoted to these most important duties, and to the economical and efficient working of the dockyards—was he to be mixed up with the petty details of the purchase of stores, and such miserable questions as whether "Baxter's Mixture" was to be used on board Her Majesty's ships or not? There was another very unsatisfactory arrangement. When he was commenting on the defects of the system introduced by the right hon. Member for Pontefract, he ventured at some length to speak of the confusion which prevailed in the Admiralty in the absence of the First Lord. Sir Spencer Robinson, in his evidence before the Duke of Somerset's Committee, speaking on this point, said—"When the First Lord has been away nobody has known to whom to apply." In fact, there was no captain of the ship. It was, then, every man for himself, and God for us all. He asked the First Lord of the Admiralty to put an end to this unsatisfactory state of things. The right hon. Gentleman said—

> "In the absence of the First Lord, the First Sea Lord will have the chief authority concerning the Fleet, and he will be the head of the whole Admiralty, in connection with the Parliamentary Secretary, on all other questions."—[*Ibid.* 210.]

But what if the First Sea Lord also was away? In nine cases out of ten when the First Lord of the Admiralty was absent on official business, he would have the First Sea Lord and the Parliamentary Secretary with him. Who then would have the chief authority at the Admiralty? When the late First Lord hoisted the Admiralty Flag in command of the Channel Squadron, Sir Sydney Dacres was naturally the Lord who accompanied him, and the Parliamentary Secretary would almost necessarily be present at the visitations of the dockyards. The right hon. Gentleman seemed to have a morbid apprehension of a Board as a governing body; but was it not a most reasonable proposition that, in the absence of the First Lord of the Admiralty, the work of the Admiralty should be carried on by the Board? He was glad to say there was one part of the arrangements made by the First Lord of the Admiralty with which he cordially agreed, and that was the restoration of the office of Chief Engineer. He thought that the abolition of that office in 1869 was a great mistake, and the substitution of an Engineer Assistant, with a reduced salary, was a most lamentable piece of economy. The best men ought to be put over the Constructive and Engineer Departments, and he quite agreed with his hon. Friend the Member for Hastings (Mr. T. Brassey) that in securing the services of the best men for those offices money ought to be no object.

MR. SAMUDA said, he had hoped from what happened on the last debate on the Navy Estimates that an opportunity would have been given on the present occasion for a discussion of the general question of the administration of the Navy, and he confessed that he was greatly disappointed in finding that instead of a general discussion on that subject only fragmentary propositions were the subjects of debate. The topic that ought to be the subject of this debate was the re-organization of the Navy, not the condition of details with regard to it. When the Navy Estimates were introduced, he gathered from the speech of the First Lord of the Admiralty that the Chief Constructor was to be merely in the position of a naval architect, and not interfere in the construction of works designed in his office. He (Mr. Samuda) ventured to think there could not be a more reasonable proposition than that the Chief Constructor should confine himself to the scientific portion of his duties apart from the Administrative. But if the Chief Constructor was to be confined simply to the work of designing and of scientific construction, without having the advantage which naturally flowed from directing the execution of that which he had designed, he would never improve in the production of work. He thought, therefore, that the connection between the construction department and the Executive departments could not be divorced without most serious injury, and that confusion, imperfection, and other serious mischiefs would certainly result from doing so. [Mr. GOSCHEN said, the hon. Member had misapprehended what he had said with regard to the Chief Constructor.] He was extremely glad to find that he had misunderstood the right hon. Gentleman on that subject. It was not advisable that this Committee should go further than to suggest what should be the particular character of the Admiralty Board, and he thought the Government had made a mistake when they accepted the view of the right hon. Gentleman the Member for Pontefract, and vested responsibility in regard to Admiralty matters in a single head. It was of the utmost importance to the country that a Board should be formed upon which the Government and the country could rely for possessing the greatest possible amount of professional knowledge, and for ensuring a continuous improvement in the character of the work performed, and he was opposed to the hand-to-mouth system that now existed. He admitted that the matter was a difficult one, but the difficulty was increased by the attempt to concentrate power in one man, and he was glad to hear that that policy was to be changed. A single Member of that House could not possess sufficient knowledge to take a comprehensive view of what was required, and instead, therefore, of carving out the work into several departments, there ought to be a Board comprising men experienced in naval knowledge, gunnery construction, and engineering, presided over by a statesman acquainted with the requirements of the Empire, who could lay down a plan of operations for 10 or 12 years. Instead of a change of system on every change in the Administration, a complete programme of the number of ships to be built, the proportion of each class, and money to be spent during the long period referred to ought to be drawn up which should not be lightly departed from, and which an incoming Minister must either adopt or give good reasons for deviating from. It would be a fatal mistake to do nothing for a few years, and wait for the experience of the next naval war, because, possibly, attack would become so much more formidable than defence, that armour-plating might have to be thickened and ultimately abandoned altogether. The country required a good state of defence, should be always preserved, and required that the Navy should always be the best that the knowledge of the day could supply, and it was undesirable either to look too far ahead or to reject any improvement. The First Lord should have colleagues able to furnish him with the best information, and supplementing that by information from outside, he with his Board ought to lay down a comprehensive plan, in which case many of these discussions—which were of little use, for if they affected one Government they did not influence another—might be dispensed with.

MR. LIDDELL said, he thought the Committee were bound, before voting £174,000 for Admiralty administration, to see that it was satisfactory, which he feared was not the case. The right hon. Gentleman (Mr. Goschen) urged on a former occasion that, under the present system, work being done separately, it could be ascertained by whom anything was done; yet it took an able Commission four months' labour and 17,000 questions to find out, not by whom the necessary work on the *Megæra* was done, but by whom it was left undone. He doubted whether, should a necessity unfortunately arise, it could be traced by whom work could be done or left undone, and he was convinced that the blame in the *Megæra* case had not been placed on the right shoulders. He believed the responsibility of her leaving our shores in her actual condition rested on the Minister who boldly and manfully assumed that responsibility at the time, yet it had never been brought home to him, and every one, except the right man, had been censured. The right hon. Gentleman also spoke of the business being divided into three principal departments—the *personnel*, headed by the First Sea Lord, the *matériel*, by the Controller, and the finance. The great fault in the recent Admiralty system—if, indeed, it were not the fault of the present system —was a straining for over-consolidation. Sir Charles Trevelyan, in giving evidence before Lord Strathnairn's Committee, had stated, in reference to military matters, that when consolidation was carried beyond a certain point it ceased to be consolidation, and became dangerous and unmanageable accumulation. If that were true with regard to the Army, why was it not equally true with regard to the Navy?

Mr. GOSCHEN explained that the appointment which was to be provided for by this Vote was intended to obviate the inconveniences of too great consolidation.

Mr. LIDDELL: If that were the case, its proposal was a condemnation of the existing system. With reference to the proposal to appoint a Surveyor of Dockyards under the Controller, he begged to remind the House of a Report published 20 years ago by a Parliamentary Committee of the French Chamber appointed to inquire into the whole system and scope of Admiralty administration and organization as it then existed in France. The French nation were entitled to special credit for their aptitude for organization, and any conclusion they came to on such questions was deserving of great weight. The Committee to which he had referred were of opinion that if an officer were appointed to the headship of any Department, who was to take the place of his chief in any administrative function, either jealousy would arise between them if the officers were equal in ability, or the more able would absorb the authority of the less able officer, who would become a nullity. That was precisely the danger that was to be apprehended from the present proposal. How was it to be ascertained that the gentleman to be charged with the administration of the dockyards was not a superior man to the Controller, in which case jealousies would be sure to arise between them? Nothing could be more fatal to the administration of the dockyards than that a conflict of power should occur between these two officers. Before sitting down, there were one or two statements that he wished to refer to; the first was, that the Prime Minister had attempted to draw an analogy between the Commander-in-Chief of the Army and the First Naval Lord of the Admiralty, but there was no analogy whatever between those officers. In the first place, the Commander-in-Chief was a military man of the highest possible position and experience; and, secondly, he was a permanent officer, while the great defect of the Board of Admiralty was its want of permanence. Another point of difference between them was that the personal status of the Commander-in-Chief was far higher than that of the First Naval Lord, and his weight and personal authority proportionately greater. Doubtless, the right hon. Gentleman who held the office of First Lord of the Admiralty with great ability and energy, would in the course of a few years render himself thoroughly conversant with the requirements of the Navy, but just when he had obtained the knowledge he would be superseded by some person who might be as ignorant of them. That was one great blot on our Naval administration, and he thought they ought to take a leaf out of the book of the sister service and appoint a permanent head of the Navy. A permanent First Lord ought to be insisted upon by the House of Commons—a permanent head, though under the control of the Secretary of State for the Department. Another point was this—that the naval element in the Board of Admiralty was unrepresented in the

House of Commons. [Mr. GOSCHEN: Hear, hear!] That used not to be so. When he first entered the House, two—and he had even known as many as three—naval men connected with the Admiralty sat on the Treasury bench, and were able to afford the House whatever information it desired on naval matters. But now—though hon. Members might hear rumours of conflicts of opinion between the civilian and naval Members of the Board—they were able to obtain only the civilian version of the controversy through the lips of the civilian First Lord. Lastly, although he believed that the manning of the Navy in time of peace was all that could be wished, still he was of opinion that the system was very defective in not providing for manning the ships in sudden emergencies. The general condition of the Naval Reserve, including the Coastguard, Naval Coast Volunteers, and short-service Pensioners, was a discredit to the Government, and a source of apprehension to the country. The whole of those Forces were at a miserably low ebb, and the Royal Naval Reserve was also in a declining condition in point of numbers; and it must have been with pain and apprehension that the country heard the statement last year of the right hon. Gentleman the First Lord, that out of 500 men required to make up the deficiency in the Fleet, only 50 had been obtained in six months. He wished to know what steps had been taken since that time to establish efficient Reserves.

MR. RYLANDS presumed that the noble Lord (Lord Henry Lennox) had no intention of dividing the Committee on the proposed reduction of the Vote by £1,000 after the explanation which had been given, and therefore the question before them reverted to the main subject of Admiralty administration. He must enter his protest against the observations of the last speaker with regard to the office of a First Lord of the Admiralty. It was, no doubt, a blot in the system when the First Lord of the Admiralty was not a man who had had previous experience in the Department; but it would be unfortunate if the position of head of the Admiralty were confined to naval officers. Under the present system statesmen of great capacity and industry were, no doubt, appointed, and after the necessary period of apprenticeship succeeded in becoming well acquainted with their duties; but by that time either the Government of which they were Members had run its course, or internal changes of the Cabinet had to be made, the result being that the affairs of the Navy were handed over to some one else, who had to learn the very rudiments of his new duties. The right hon. Member for Pontefract—the late First Lord—had previous experience of the Department before being placed at its head, and he administered the affairs of the Admiralty in a manner which, in his opinion, left nothing to be desired. They wanted a system that, while it would be efficient and economical, would insure a sufficient measure of responsibility. It appeared to him that they did not now secure that responsibility. Again, the cost of the Department, apart from its efficiency, was gradually increasing, and the First Lord had not given quite a satisfactory explanation of that increase. It appeared from Returns that that expenditure had risen nearly £12,000 in the last two years; and if it went on increasing every year they would soon lose all the benefit they expected to derive from the changes made by the right hon. Gentleman behind him (Mr. Childers), and those changes, instead of ending in economy, would be followed by a considerable loss to the public. He did not want to cut down salaries, but to get rid of unnecessary and inefficient officials, and a great portion of the increase of expenditure was owing to the increase in the number of appointments. He agreed with the hon. Member for Hastings that they should have a first-class man at the head of each department of the Admiralty, and that to secure his services they must be prepared to give him a good salary. The present administration of the Admiralty was not satisfactory, and he hoped that the right hon. Gentleman (Mr. Goschen) would impress on his subordinates a sense of responsibility.

SIR JOHN HAY desired to congratulate the First Lord of the Admiralty on the changes which he had made, and on what he trusted would be the restoration of the Board to a more efficient state. The changes which the right hon. Gentleman had explained to the Committee showed that although he had not yet fully determined upon having the consultative aid of the Board on all occasions, still he proposed to avail himself of constant meetings with the Board, and to obtain from them the information that was necessary to enable him to conduct the affairs of the Navy. Of the changes made by the late First Lord (Mr. Childers), the one which brought the greatest difficulty upon himself, and which proved most disadvantageous to the conduct of public business, was the doing away with too many heads of different departments. The permanent heads of departments ought not to have more business thrown upon their departments than they could fully look after and control. He would recommend the present First Lord, instead of endeavouring to draw a hard-and-fast line between *personnel*, *matériel*, and finance, to place permanent officials at the head of great departments, which would require the whole time and attention of one man. If they assigned to a man more than he could possibly control, they could not expect him to be fully responsible. There were, he thought, 14 departments at the Admiralty, at the head of each of which there ought to be a permanent official. The manning and the discipline of the Navy certainly required a permanent official to superintend them. The Coastguard and the Reserves also required the constant attention of a separate officer. Then the Marines, of whom there were 18,000, ought to have at their head an officer who was in direct relation with the Board of Admiralty. The Director General of the Medical Department ought also to be an entirely distinct officer, and in direct relation to the Admiralty. So likewise should it be with the Accountant General, the Storekeeper General, and the Controller of Victualling. There was nothing so likely to lead to disaffection among their seamen and men who were serving their country, as the supposition that the food and the clothing with which they were to be supplied were not of the best description, and that there was not to be an officer who should be personally responsible for the excellent quality of all those articles. Therefore, the Controller of Victualling ought to be a separate officer. Then there should be a Registrar of Contracts—an officer who should see that all contracts for the Navy were made in a proper form and with proper persons. The office of Controller of the Navy should be subordinate to the Board; he disliked the ambitious name of Controller of the Navy, and would prefer the old name of Surveyor. The office of Chief Engineer ought to be a separate one, and he was glad the right hon. Gentleman was about to re-introduce it. The office of Director of Naval Ordnance was created at his own suggestion, when the right hon. Baronet the Member for Droitwich was at the head of the Admiralty, and ought to be continued in an independent position. The office of Director of Transports must be continued, as well as that of the Hydrographer. This, with a proper system of record, would make a good working system of administration. If there were 14 departments—and 10 of them now existed—with a permanent officer at the head of each, responsible for details, he believed there would be no difficulty in attaching responsibility for everything to the proper officer. It would be for the First Lord to decide which of the Lords of the Admiralty should superintend and consult with these principal officers, who ought to be brought into direct contact with the Board on all important occasions. He trusted the right hon. Gentleman, having made such considerable changes, would frankly accept the counsel and advice of the naval members of his Board, and if he did so he would, no doubt, avoid a recurrence of disasters such as had recently happened. The hon. Member for Warrington had scarcely given the information to be desired from the Return to which he had alluded. In 1868-9, when the right hon. Member for Tyrone was First Lord, the charge in the Navy Estimates for the aggregate salaries of the town department was £186,292; the aggregate salaries at the dockyards amounted to £177,920, and pensions to £91,435, making a total of £455,647. There were many reductions during the year, and some were due to the closing of Deptford Dockyard. In 1869-70, when the Estimates were moved by the right hon. Member for Pontefract, they showed a reduction of £59,013; this was partly due to reductions made by the right hon. Gentleman himself, and partly to the reductions made by the right hon. Member for Tyrone. The salaries in the two departments amounted to £167,213; those in the dockyards to £146,434; and the pensions to £82,987, making a total of £396,634. In 1870-71 a further reduction of £9,131 was made, but the pensions were increased from £82,987 to £114,893; the town charges were £156,773; those for the dockyards, £115,837; and, with the pensions, the total was £387,503. In 1871-2 the total was increased to £406,045, and the pensions rose from £114,893 to £121,736. In 1872-3 there was another increase to £410,034; so that between 1869-70 and 1872-3 there was an increase of £22,531. He had no reason to suppose that appointments were made unnecessarily; but there would have been economy in employing those who were enjoying pensions, through having been withdrawn from the public service, for he doubted very much whether the class of gentlemen who now performed the duties were equal to the old and skilled officers who had been pensioned off. The Returns showed that the saving which had been effected by the right hon. Gentleman and his predecessor was not so great as had been supposed, and that because the pension list had received such enormous additions. In conclusion, he congratulated the right hon. Gentleman opposite upon having so far reversed the policy of his predecessor.

Mr. HENLEY said, that that class of Votes for the last two or three years had been of that nature that he could hardly refrain from saying a few words on them. With true liberality Parliament had been attempted to be muzzled, but whether successfully or not he did not know; at all events, that afternoon they had had the advantage of a free fight. When the Suez Canal was opened there were some of our ships went out red-hot from Admiralty training, and went bump ashore. There were criminations, recriminations, and a Report on a bad misfortune to the *Captain;* and then there was an old tin-kettle with a hole in her bottom, and the Admiralty were not men enough to find out the cause of that hole, she was run ashore, and then they had a Commission. What that Commission revealed as to the reign of the blessed state of confusion in that Department he did not think it was possible to conceive, but for the graphic way in which these facts had been brought out. He did not blame either the present, or the late, or any particular Board of Admiralty, for those who had been in the habit of watching these matters for some years could not help seeing that the dissolution of the unity of the Board began at least 14 years ago, and that was the opinion expressed by Sir James Graham in the year 1861. Indeed, Mr. Burnaby, when examined before a Committee, stated that the whole Board of Admiralty as to information on the matter of the *Megæra,* was in a fool's paradise. But that was not the most curious thing which came out on the Commission. In 1870, what was called an "untoward" circumstance broke out, and when it appeared that there was very likely to be a war, the right hon. Gentleman opposite and the Controller of the Navy were at loggerheads as to the state of preparation we were in. The right hon. Gentleman stated that he had been misreported; but so far as he (Mr. Henley) recollected, no explanation had been given on that point. The First Lord and the Government of which he was a Member had always assumed the responsibility of all that had been done; but, curiously enough, in 1869, not satisfied with the traditions of 170 years, the Government established that responsibility by a curious Order in Council. Nothing could be more definite on paper than the Order in Council of January, 1869, but during the criminations and recriminations which were consequent upon the disasters that happened, the then First Lord gave an interpretation of the Order which, in his judgment, differed materially from the spirit and meaning of the Order itself. According to the Order, the First Naval Lord was reponsible to the First Lord for advice as to the *personnel* of the Navy, and the Controller was to be similarly responsible in matters relating to construction and material; but then this responsibility was limited by the right hon. Gentleman only so long as these and other officers whose functions were defined by the Order in Council faithfully performed the duties of their departments, communicating with each other when necessary, and advising the First Lord and taking his decision upon all matters requiring his authority. This was a queer kind of responsibility, fined down as it was, and only existing while those officers "faithfully performed their duty." The existing confusion need not be wondered at. It was the natural result of the system. Each of the officers whose responsibility was thus marked out would naturally be jealous. At the

Admiralty there had always been an almost insane jealousy of any man taking an order from anybody else; and so it seemed in these matters. It suggested the old and trite simile of the bundle of sticks—strong when bound together, but when separated showing exactly the weakness and the confusion which had existed at the Admiralty for the last few years. He hardly wondered when he remembered the changes which had occurred—from sailing to steam vessels; from paddles to screw; from wooden screws to iron; from iron to iron-clads; and, after all these changes, a new Commission issued to see whether we were not all wrong, to find that it was helplessly divided in opinion, and actually recommended nothing. He believed that, instead of weakening the Admiralty by dividing it, prudence would have suggested that its strength should be increased and its different parts bound closely together. This separation into different departments, each department standing on its own legs, had its rise in a pamphlet called *Faults and Defaults*, but whither had it lead us? The old plan had stood us in good stead for something like 170 years, and had never failed us, though whilst it lasted some things might have been more expensively and less rapidly done than they were now. The last trial of the old system occurred at the beginning of the Crimean War. Those who were in Parliament before that period would remember how the House was exercised night after night by old Sir Charles Napier, who told the House that the French were far quicker than we were, and would sweep the Channel if war occurred. But what happened? War did break out. A sudden necessity arose. The English and French Fleets were to proceed on a joint expedition to the Baltic. Who were there first? The English Fleet. Had it been a war of another kind we, therefore, should have swept the Channel; and though Sir Charles Napier complained of his men, and said many of them were cabmen and people of all sorts, Sir Michael Seymour's evidence was that the crews were less raw than the French, and that the Fleet was able to do good service. In his evidence before the *Megæra* Commission, the right hon. Gentleman the Member for Pontefract said, in effect—"See my position, with some of the departments at Somerset House, and others at the immeasurable distance of Spring Gardens!" The right hon. Gentleman did not use the word "immeasurable," but if such a complaint as this were made in a time of profound peace, what would happen during war? Under the old system no such complaint would have been dreamt of. Then the Controller said that 70,000 letters passed through his office in a year, and he had only 30 clerks to answer them, and no first clerk to tell him what to write. What a humiliating statement, again, in a time of profound peace! He could not conceive anything more painful to an Englishman. It was bad enough five or six years ago, when the present Prime Minister, then Chancellor of the Exchequer—to induce the House to adopt some financial scheme of his—said we should never have the mastery of the sea which we had before. This was a painful statement; and the disorganization of this great Department was painful too. It was equally painful when those who were appointed to consider the best form of ships dwarfed down their inquiry by saying they supposed they should have to consider the maintenance of a naval force capable of meeting that of any one Power. Good gracious! what premises to start from! Formerly, when we were as a nation only half what we were now, we had the pluck to meet successfully the whole world. Some little change seemed to be occurring at the Board, but he believed it was better to go upon the experience of the last 170 years than to set up these ninepins to be tumbled over so easily. Our first line of defence was the best, and, if we did not keep masters of the seas as we did once, he doubted whether anybody would think it worth while to come here, but we should be kept like rats in a cage. Nobody would think it worth while to put his hand in with the risk of being bitten. Considering how we depended on foreign countries for corn and for the money to pay our workmen, he was anxious that our first line of defence should be a good one, so that we could not only encounter all comers, but thrash them. Unless the Government could manage naval matters better than they had done for the last few years, they ought to revert to the old system, and restore the unity of the Board, for by that course of conduct they would be restoring its strength, and so enabling it to turn its attention to those matters only which concerned its well-being. The tendency now at outports was to shirk responsibility and to smother the Admiralty with details, whereas it ought to be kept free from these and enabled to attend to greater matters.

MR. CHILDERS said, that but for a sentence which had fallen from the right hon. Gentleman opposite (Mr. Henley) he should not have wished to take part in the debate, for with regard to the proposals of his right hon. Friend, though there were some which he did not think superior to the arrangements he should have desired, while in others he cordially concurred, he would willingly waive any doubt as to details in his right hon. Friend's favour, for he (Mr. Childers) knew the immense difficulties with which a First Lord had to contend, and the constantly fluctuating character of the questions with which he had to deal, and he was ready, therefore, to give him a steady support. He did not intend to enter into the question raised by the right hon. Gentleman the Member for Oxfordshire about the business of the Admiralty during the last 14 years, either as to the amount of details—which he was happy to say were much reduced while he was in office—or as to the pamphlet mentioned by the right hon. Gentleman, the merits of which he would leave him to settle with three or four hon. Gentlemen sitting near him (Mr. Henley) opposite, who were, on its appearance, zealous advocates of its principles. It would not, however, be respectful to the Committee if he omitted to notice the quotation unexpectedly made by the right hon. Gentleman from his own Minute on the Court Martial which sat on the loss of the *Captain* nearly two years ago. He had the misfortune of being unable to take part in the debates on that and two or three other subjects last Session—a misfortune which he felt to be irreparable, since it allowed statements of great importance made by persons of weight to go forth to the country without any power of challenge on his part. That misfortune he must bear; but the right hon. Gentleman having without notice alluded to a particular sentence in his Minute, and founded thereon an imputation against him, he felt bound even at this late stage of the debate to give at once as clear and precise an explanation as he could. The right hon. Gentleman had construed that sentence as implying that he had in some way endeavoured to escape from or lessen the responsibility which he from the first had claimed and assumed as to all the business of the Admiralty under his charge. Now, he wished to be allowed, though it was somewhat foreign to the question at issue, to state distinctly that that had never been his intention, and that he did not think his words were reasonably open to such a construction. The whole policy of the change which was made at the Admiralty in 1869 was that the First Lord assumed towards the House and the country the entire responsibility for all the administration of the Department. He assumed that responsibility with a full knowledge of the gravity of the task which he was undertaking, acting solely from a sense of duty, and he believed he abided by it to the last. If, therefore, there was any expression of his which could bear a construction inconsistent with that view, it was quite opposed to his intentions. He could not at the moment refer to the Minute, but he believed the expression referred to was to the effect that, having laid down that responsibility in the strongest possible words, he added that the First Lord was responsible for all decisions connected with the Naval service when the servants of the Admiralty brought the facts before him and sought for his decision. Now, that was obviously a sound view of responsibility. No head of Department could be responsible in any case for the acts of his subordinates when he had no knowledge of them, and no means of having that knowledge. He was responsible for them when he had knowledge of them afterwards, and had means of bringing those concerned to account. He was responsible for punishing or excusing them, or, at any rate, for the decision which he arrived at upon their acts. He must repeat, that without being able to refer to the exact words used in the Minute referred to, he had distinctly accepted and still accepted the entire responsibility for all the decisions of the Admiralty while he was First Lord. He had never shrunk from it or thrown it upon others, and should never think of doing so.

LORD HENRY LENNOX said, that before withdrawing his Amendment, he wished to say that were he to enter into the question he might differ from the conclusion drawn by the right hon. Gentleman who had just spoken from the words he had employed; but he had always felt that the right hon. Gentleman was entitled on such a subject to much consideration, and he did not intend to depart from the rule on which he had acted. He had moved the rejection of a Vote for the salary of a gentleman who was to have the official dealing with the dockyards and was to be entitled, without reference to the Controller, to carry on the administrative details of those establishments; but he was happy to have elicited from the First Lord an explanation that no such power was to be entrusted to him. He trusted from what he had heard that that official would have nothing to do with the administrative duties of the dockyards, with the construction or repairs of ships, and the other objectionable duties to which he had before alluded, and he would, therefore, ask the Committee to allow him to withdraw his Motion, and thus to add another phantom to what had been described as "the phantom Board of Admiralty."

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Mr. CORRY said, he should like to know when the Navy Estimates were coming on again, and whether the Government would appoint a Morning Sitting in the course of the week for their further discussion? It was now the middle of July, and the House had as yet no opportunity of discussing the great question of naval stores.

Sir JAMES ELPHINSTONE said, he thought they had treated the Government that year with very great forbearance. That was the 15th of July, and they had not yet finished the Navy Estimates. He was informed by a most competent authority that the Navy Estimates were ready to be submitted to the House by the middle of April or beginning of May, and the House was perfectly ready at that time to discuss the various questions that came before them. There should be some little consideration shown to private Members who remained there during the greater part of the year, and gave as regular attendance in the House as they could. He could assure the right hon. Gentleman that the same course would not be pursued next year, for they would not spare Government next Session, [*Laughter.*] He meant what he said. and they would make more stringent efforts than they had during the present year.

Mr. GOSCHEN, in reply to the right hon. Member for Tyrone, stated that it was perfectly impossible that the Navy Estimates could be brought on again in the course of the week. They could not be brought on before Friday week.

Resolution to be reported *To-morrow,* at Two of the clock;

Committee to sit again upon *Wednesday.*

MILITARY FORCES LOCALISATION (EXPENSES) BILL—[Bill 222.]

(*Mr. Bonham-Carter, Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell.*)

SECOND READING.

Order for Second Reading read.

Mr. CARDWELL, in rising to move "That the Bill be now read a second time," said: Sir, the question has been so much discussed on former occasions, and, owing to the Reports which have been laid on the Table, is so well understood, that I shall not think it necessary to occupy you at any great length in moving the second reading of this measure, the object and purpose of which is to raise the money necessary to give effect to the scheme of Army Reform proposed by the Government. It is well known to the House that all the Land Forces of the country have been placed under one control; and that although first appointments in the Auxiliary Forces will be still made by the Lords Lieutenant of the county, yet promotions will be made founded upon considerations of efficiency, in a manner corresponding with the military system already existing, and submitted to Her Majesty, like promotions in the Regular Army by the Commander-in-Chief. All officers will be required to give certain proofs of efficiency, and to attain that end an Inspector of Auxiliary Forces has been appointed; schools have been established for training officers, and other measures adopted for carrying the system into effect; and it is intended that, while service in the Militia shall be one of the qualifications for a commission in the Army, that a certain number of officers in the Regular Army shall hold commissions in the

Militia. With regard to recruiting, it is well known to the House that all recruiting, both for the Regulars and Militia, is in the hands of a general officer in every district; that the commanding officer is invited to encourage men who have been enlisted in the Militia to pass into the Line; and the Militia Reserve has been readily raised up to the full number of 30,000 men sanctioned by the vote of Parliament; and that the Army Reserve already numbers between 7,000 and 8,000 men. Although it has been said in some quarters that we cannot rely upon these men being forthcoming when wanted—["Hear, hear!"]—my hon. Friends opposite say "Hear, hear"—the number of men who have been absent at the appointed periods is remarkably few, and by the latest Returns between 16,000 and 17,000 have already entered the Army, on condition at the expiration of a limited service of going into the Reserve. By the Mutiny Act, which the House has passed during the present year, recruiting is for the future provided to be for the brigade rather than the regiment. I was asked in the early part of the year by the hon. Member for North Lancashire (Mr. F. Stanley), what are to be the relations of the officers of the linked battalions? That subject has occupied a great deal of the consideration of the Commander-in-Chief and the military officers by whom we are surrounded; but I shall not be able, until final arrangements are made, and until it is exactly known what regiments are to be linked together, to announce our decision on the subject. All I can say is, that it is our earnest desire to draw the connection as close as can be accomplished, without breaking down those feelings and traditions which every regiment of the Army so warmly cherishes. I hope my hon. Friend and the House will be satisfied with that statement in the meantime. Now, these arrangements being made for drawing together more closely the Auxiliary Forces and the Regular Army, it is also perfectly manifest that local arrangements must be made for carrying it into effect. For any plan of this kind it is obvious that the union of the brigade is absolutely necessary; that localization for the purpose of recruiting, so as to give a local attachment and feeling; and that subdivision into manageable districts, under experienced officers of the Regular Forces, are essential conditions of the success of the system. Accordingly, 66 brigade centres are to be established in the United Kingdom, and they are to be military head centres of each brigade district. A brigade will consist of two battalions of the Line, two of the Militia, and the Volunteers that reside within the district. The depôt battalions will be localized there, and also the Militia, and, so far as convenience will permit, the Volunteers; and the recruits both for the Line and the Militia will be trained there. The officers in the Militia and the Volunteers will obtain instruction there; and the arms of the Militia, and, so far as convenience will allow, those of the Volunteers will be stored there. As to what the *personnel* of the brigade centre will consist, the House will find that fully explained in the Report of the Committee that has been already laid upon the Table. It will be sufficient for me to say that there will be a selection of non-commissioned officers on whom the efficiency of the system will very much depend—that they will be very carefully selected, and many of them will be married men living in quarters selected for the purpose, and that they will be the very best men to give instruction to recruits both for the Army and the Auxiliary Forces. This proposal has met from the country generally the most favourable reception, and we have had a great number of applications from towns and places desirous of being selected for brigade centres. There have been some few exceptions, but they have been only a few, and the general feeling has been exceedingly favourable to their reception. There have, however, been some exceptions, and those exceptions did not come generally from this part of the United Kingdom, where the proposed organization will be a county organization, but from Ireland particularly; and in other parts of the country where more counties than one are associated in one brigade centre similar representations have been made. Take, for instance, Limerick, where the grand jury say—"We have expended a large sum of money in preparing accommodation out of the county funds for our own county Militia; and we object to have the whole of the Militia entirely removed to a centre at a distance from us." In a supplementary Report the Committee have met that difficulty where only it exists—in cases where there are more than one county associated with one brigade centre—that they have done in the Report which was circulated a week ago. They have been exceedingly careful not to convey the impression that they mean to break down in the slightest degree the principle of the centre organization. The system which is applicable to one part of the United Kingdom is not always exactly applicable to every other part, and what may be perfectly applicable, for instance, in Sussex, may not be applicable in four or five Irish counties associated together and joined to one brigade centre, and therefore the recommendation of the Committee is, that in the latter case we should proceed tentatively, and that, at least, in the first instance, we should not withdraw from the other counties the head-quarters of their Militia regiments. They will be equally under the command of the colonels commanding the Regulars at the depôt centre—all the principles of the system will be maintained; but by arrangement, the head-quarters of the Militia being for the time left within the county, opportunities will be taken in many instances to train the recruits not at the brigade centre, but at the garrison of the Regular troops that may happen to be within the county. I will not fatigue the House by entering into longer explanations how the arrangement is to be carried out, for I presume the Report is familiar to all. It is sufficient to say that the scheme will receive its exact application in almost all the counties of England, but in some instances—and especially in Ireland, where more counties than one will be associated—it is proposed to proceed tentatively, to ascertain whether the local convenience will be best suited by leaving the head-quarters of the Militia regiments in their own county. That being the scheme, the object of the present Bill is to enable us to raise the money to carry it into effect. I have seen it stated that this is a measure that presumes that we shall always rely on the Militia to the extent to which we rely on it now, and that we shall therefore not rely entirely upon the Reserves of men who have passed through the Army on short service, and who have afterwards gone into the Reserve. The hon. Gentlemen opposite who distrust the Reserve altogether will not be less pleased with the scheme on that account. But what I wish to observe on this occasion is this—that the necessity for this localizing principle does not depend upon whether you rely upon the Militia or the Reserves—that it is equally applicable to both. It is not the proposal to build barracks to train the Militia, for the county Militia are to be trained under canvas; and if you rely upon the Reserves, you would not require these centres less, but rather more; for I agree with the hon. and gallant Member for West Sussex (Colonel Barttelot), that to rely upon the efficiency of an Army of Reserve you must have a localized system; because in order to enable you to find the Reserve men when you want them, they must be divided into their several localities, and be sought for where they are known. If you suppose that the day will arrive when you will cease to rely upon the Militia, that would render the measure even more necessary than it is now. The proposition for recruiting and localizing the interests of different regiments in different places is essential to any system, whether you rely upon the Militia or upon the Reserves. But there are other objects which we have in view. The billeting of the Militia is to be abolished, and on that I insist as one of the greatest boons we can have. I know nothing more fatal to discipline than the system of billeting the Militia. I know nothing more injurious in a moral and social point of view than the habit of billeting the Militia. And I know nothing more oppressive to those on whom they are billeted, or more unjust than the practice of billeting the Militia. Whether, therefore, you wish to preserve discipline, or to make the Militia efficient, or to produce good moral effects, or to do justice to those upon whom an unjust tax is now levied, I am sure you would cordially agree in the plan for abolishing the billeting of the Militia. Another object of the Bill the House will observe is this—There are charges which by law are now cast upon the locality. You passed an Act to place all the forces under a central control; and when you did that, the time had gone by for levying charges of this kind upon localities. Another object is, that we should decentralize our system, so that instead of all the burden resting upon the central office, you might be able, upon the occurrence of any emergency in any locality, to have your forces at once under arms. That is an object that we have in view in the present Bill. I have, however, seen it stated that in the present measure we do not provide a complete tactical arrangement throughout the country. That this is so to a certain extent I will not deny; but I will give my reasons for it. In the first place, I am informed by General MacDougall, the Chairman of the Committee, that if a complete system, at all approaching to that which prevails in Prussia, had been the object of the present measure, it would have been necessary for me to ask you not for £3,500,000, but for a sum more nearly approaching £12,000,000. That is a proposal which would, I think, have been entirely unjustifiable, and one which I should never have ventured to propose. I explained on a former occasion how entirely different were the requirements of Prussia, and of this country. In Prussia they have compulsory service; they have not, as we have, half their battalions engaged in foreign service; and they have a large Army. In this country out of 140 battalions 70 are always abroad, and of the remaining 70 some must be collected at training stations like Aldershot; and in the event of war, our insular position requires that we should not move our Army as the Prussians do, in large bodies collected and travelling by rail; but our troops must all converge at some port of the country, in order to be put on board ship, and find their base of operations at some foreign port. These circumstances are so entirely different that it would not be a matter of wisdom and good judgment for us to follow implicitly the Prussian practice. In making the compensatory arrangements that we were required to make through employing barracks now occupied by Regular troops for the purpose of training centres, and, therefore, being compelled to provide compensatory accommodation for our Regular troops, we have considered how the best tactical arrangement could be made, and I hope you will find that the proposals laid on the Table are calculated to bring about the best result. The result will be that our colonels will be able in every district, when called upon by instructions from the central authority, at once to place under arms and equip all the Regulars, Auxiliary Forces, and Reserve, with all their personal appliances; and every general officer will at once be able to concentrate all his Forces, completely equipped for service, with their camp equipage and military stores, without any reference to Woolwich, or to the War Office, so that the assembling of an Army would be only a matter of hours. The £3,500,000 which I now ask for, besides completing the brigade centres and barracks for the continuous training of the Militia in Yorkshire, Lancashire, Staffordshire, and Essex, will give a new tactical station in Yorkshire, complete the tactical stations of Shorncliffe and Colchester, provide for a brigade of infantry always under training for siege operations at Chatham, provide a regular depôt for stores in Yorkshire, and a new training ground for the Regulars and Volunteers in London. The sum which I ask for is, I believe, the maximum, for I wish to be free from all danger of having to come with a supplementary charge on a future occasion. No one can speak with certainty on a matter of this kind, and I have had some warning from the extraordinary rise in almost all prices that has taken place since I made the arrangement; but I remain of opinion that I have asked for a maximum sum. The money is to be advanced by the Treasury from the Balances, with power, in the usual way, to recruit the Balances by loans raised upon Terminable Annuities should they afterwards require it. If we take the charge as a permanent annual charge, probably 3¼ per cent is the rate at which we ought to estimate it, and the annual charge for all time would then be £113,700 a-year. We have already voted for billet money £113,000, £6,000 for the movement of depôts, and £1,000 for drill-grounds for the Militia, making together £120,000 a-year, for charges which at first sight this sum of money would appear to supersede; but it would not be a fair calculation to take the whole of the amount, and I shall make some important abatements from it. There will be a sum, which I estimate at £40,000 a-year, out of the £113,000 for lodging money; a sum equal to a charge of £15,000 a-year for the wear and tear of camp equipage owing to the great encampment of Militia; and another sum, which is scarcely, perhaps, a fair deduction, amounting to £12,000 a-year for fuel and gas, which we shall have to expend, but which is now charged upon those who are unfortunate enough to have the Militia billeted upon them. They, from their 4*d.* per day, have been compelled to meet these charges which we shall have to pay hereafter, but which have hitherto been a most oppressive and unfair tax on a special portion of the Queen's subjects. These deductions will make £67,000 a-year, which, taken from the £120,000, leaves a balance of £53,000, which represents the actual saving effected by the change under these heads. Then we relieve the counties of the charges which they have been in the habit of bearing, and I have endeavoured as well as I could to find out exactly what they were. For the last eight years the average charge on the counties in England only has been £24,000 a-year. I have not been able to obtain precise accounts from Ireland and Scotland. It would not, however, be fair to take the whole of that £24,000, for a portion of it is the repayment of money formerly expended in buildings, which will in time cease entirely; and I am now taking it as if it were an expenditure for all time, but I am only making a fair estimate when I take £20,000 a-year for the whole of the United Kingdom, instead of £24,000 a-year for England alone. That brings the £53,000 up to £73,000 a-year, which we shall save in return for the £114,000. That accounts, then, for £2,250,000 out of the £3,500,000, and if that were all that could be said, I think that for the additional £1,250,000 an ample equivalent would be found in the great advantages gained by the scheme in recruitment, in discipline, in the abolition of billeting, and in other matters. But there is another circumstance to be taken into consideration. You have now in the country 70 battalions, where four years ago you had only 46. You have adopted this mode of distribution for purposes of high political importance, but also for purposes of economy. You have withdrawn the forces from the colonies, and you have centred them at home, and the result has been the development of great defensive power, and a great feeling of independence on the part of the colonies, without any diminution—and I believe with an increase—in their feelings of loyalty and attachment to this country. But you have obtained it by a very great economy. It entails, however, the necessity of providing additional accommodation in barracks in this country, and at the same time a great increase in the space requirements for the accommodation of each individual man in the Army has been rendered necessary by the new sanitary requirement of 600 cubic feet per man, and although, in some cases, the number of men in these returned battalions has been reduced, the *cadre* has in all cases been maintained, and as the battalions pass from one barrack to another, no barrack can be deemed sufficient which will only receive a battalion at its minimum strength. Judged, then, strictly in accordance with a pecuniary view of the matter, the scheme cannot be held to be extravagant, for the result of all this has been that you would have had to provide additional accommodation for about 9,000 men, and to place an additional sum of money in your Estimates for that purpose. I therefore think you will consider the £1,250,000 fairly accounted for if these objects have been attained. I take no credit for the reductions in the permanent Staff, which I feel sure will result from this system of concentration, or for the selling of any of the smaller barracks, which may be disposed of when the system is carried into effect; and I think I have shown you a very fair pecuniary case for the measure which I ask you now to read a second time. When the scheme is accomplished, we shall have in every district under competent officers of the Regular Army a portion of that Army and all our Militia and Volunteers. We shall have in every sub-district training grounds available for the training of recruits, both for the Regulars and the Militia, and for training the regiments of Militia and Volunteers in connection with the Regular troops. Our recruiting will be made systematic under one control, and there will be power to every colonel to put the Army, Militia, and Volunteer and Army Reserves under his command on foot immediately on notice. There will be storehouses in every district for the arms of the Regulars, Militia, and of the Volunteers, so far as their convenience may induce them to make use of them. There will be power to the general officer to combine the whole Forces within his district whenever ordered, including camp, equipage, and stores, without having recourse to the War Office. There will be a large tactical station in the North with barracks to train the Militia in those counties where, owing to the state of the labour market, the continuous training of the several Militia regiments is possible, such as Lancashire, Yorkshire, Staffordshire, and Essex. These barracks will be available in winter for the Regular troops. We shall also have a metropolitan exercising ground for the Regulars and Volunteers. The billeting of the Militia will be abolished, and although we have not got that complete tactical arrangement which some hon. Gentlemen recommended, and which the example of Prussia favoured, we shall have in this country complete tactical stations in Yorkshire, at Aldershot, at Dublin, the Curragh, Shorncliffe, and Colchester, and we shall have at Chatham the means of assembling always successively a complete brigade of infantry to be undergoing training in siege operations under the officers of the Royal Engineers. This seems to me to be as complete a system as the necessities of the country require, or as a reasonable regard to economy justifies. This has not been made the ground for an increased charge which would have amounted to many more millions, but in completing the brigade centres, having to provide compensatory arrangements for the Regular troops, the House will have kept in view the purpose of expending sums of money necessary for the compensatory arrangements in the way best calculated to secure the best tactical arrangements for the Army—both Regulars and Reserves. These are the objects which this Bill has in view, and I trust that the House will consider that the financial arrangements have not been prepared without a due regard to economy. I now beg to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Cardwell.*)

MR. RICHARD said, that although professedly incompetent to pronounce an opinion on the Bill from a military point of view, he would venture to assert that the scheme would prove exceptionally popular if in two or three years hence it was not assailed by the representatives of the service as wholly unsatisfactory, if not absolutely worthless, for such had been the fate of every modification of our military establishments during the last 25 years. The advocates of large armaments were always, like a spoilt child, crying for some new toy. It was, therefore, inexplicable to him how the right hon. Gentleman could labour under the delusion that the scheme would lull the country into a sense of safety, and extinguish those ignominious panics to which we had been so frequently exposed. He (Mr. Richard) objected to the Bill because it involved a large expenditure on a doubtful experiment, and also because it covered the country with a web-work of military institutions, the tendency of which was to make us what we have always deprecated—a military nation. At one time the Conservative party distinguished themselves by their hostility to large standing Armies, and some of its members were still faithful to its ancient traditions. As a proof that they still retained that opinion, he would instance the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who, in his great speech at Manchester last April stated that we had a large standing Army established in England, contrary to all the traditions of the land, and that by a Liberal Government and with the warm acclamations of the Liberal party. For his own part, he objected to large military establishments, not only on account of their enormous cost, but because they tended to foster a spirit of war, and were too often schools of immorality and vice. The moral condition of our Army and Navy was simply appalling. Wherever, indeed, a body of soldiers was stationed, it became a corrupting and demoralizing agency. In support of this statement he could cite the testimony of Colonel Dickson, once a Member of that House, as to the Aldershot camp being a seat of corruption and iniquity; a letter written by a clergyman in *The Times* three years ago, characterizing the camp at Colchester in similar terms; and the Report presented last year by the Royal Commission on Contagious Diseases. He thought, however, they were not required, for the Contagious Diseases Acts were in themselves a confession of the immorality of our Army. Our military system tended to foster vice and immorality by taking men in the full vigour of youth, and dooming them to a life of laborious idleness. He also thought he was justified in referring to the provisions of the Mutiny Act, exempting soldiers from the burden of contributing to the support of their illegitimate children, and had no hesitation in characterizing them as offering a premium upon seduction and desertion. In fact, he had the authority of Sir John Bowring for stating that there had been 70 illegitimate children born in Exeter in one year owing to the presence of a single regiment in that city. He felt bound under these circumstances to protest against the establishment of these military centres, which would spread immorality around them in every direction.

Colonel BARTTELOT observed that the plan of the right hon. Gentleman appeared to have undergone some modifications, and the modifications were no improvement on the original scheme. The scheme had been well canvassed by the public, and he could not say it was now so well received as it was when it was first introduced by the right hon. Gentleman. In the early part of the Session of 1870 the right hon. Gentleman had informed the House that we had never been so well prepared in a military sense as we were then, and yet shortly afterwards, in obedience to a panic, he had asked for 20,000 additional men, entailing a further expenditure on the country of £2,000,000. Here the same want of information might exist, and it might eventually turn out that we had not got regiments for each of the depôt centres, and in that case the cost of attempting to carry out this scheme would be entirely thrown away. With regard to billeting, while for his own part he quite agreed that it ought to be abolished, he could not help thinking that, if land had to be purchased for the proposed new centres, the proper business plan should be adopted of asking Parliament annually to vote as much money as was required, for then the House and the country would be able to ascertain whether the right hon. Gentleman intended to carry out his scheme in practice as he had shadowed it forth in theory.

Mr. CARDWELL said he had already stated that a circular had been sent out to the Militia officers to that effect.

Colonel BARTTELOT remarked that it would be necessary to press the matter still further in order to ensure the arrangement being carried into effect. With regard to the Volunteers, he thought it would be far better to order them to go out to the centres for four, six, or eight days successively every year, because then they would be known to the commanding officer of the depôt centre, and would know with whom they would have to act in case of emergency.

Mr. CARDWELL said, he had already taken a Vote for that purpose.

Colonel BARTTELOT was aware of that, but considered that it would not be sufficient to give the Volunteers permission to go, for unless the direction was enforced, more than two-thirds would not go. He wished to know how the right hon. Gentleman proposed to connect the Militia with the Line regiments at these depôt centres. But the main question was, whether the right hon. Gentleman could get an Army Reserve or not. The right hon. Gentleman at first proposed a three years' enlistment, and when he opposed it, the right hon. Gentleman was backed up by the Prime Minister. But now the right hon. Gentleman was enlisting men for six years in the Army and six in the Reserves. He (Colonel Barttelot) was told, however, that the men would prefer to enlist for a much longer period. He was further told that the men we were getting as recruits were an inferior class, such men as we wished to get rid of before. He had letters from officers stating that desertion was on the increase, and that many of the men who deserted from one regiment enlisted in another. He would like to see a Return of the number of men who had deserted, the number who had turned out bad soldiers, and the number who proved to be good. If the short enlistment scheme had failed, as he maintained it had, it would be for the House to say whether it was not better that this should be a tentative scheme, and that the money should be voted from year to year.

Mr. GATHORNE HARDY said, that the House was placed at a disadvantage in being asked to approve a Bill for a sum of money before they knew how it would be applied. As representing the University of Oxford, which had presented a memorial against the establishment of a depôt near that University, he wished to avail himself of this opportunity of protesting against such a plan being carried out upon the mere *ipse dixit* or decision of the right hon. Gentleman opposite. This was a subject of interest not merely to one town, but to the whole country. The House had recently determined to make the Universities of Oxford and Cambridge more national than they had hitherto been, and to open them to the whole youth of the country. If that was done, numbers of young men would be sent to the Universities whose discipline would require great care. When the right hon. Gentleman, therefore, spoke as he had done of the necessity of having married non-commissioned officers and married officers, he at once admitted that there were some difficulties connected with the establishment of these depôts, and that an extreme amount of discipline would be necessary. At present, Oxford University was wholly free from the kind of association which might be introduced by the establishment of a depôt. The right hon. Gentleman was aware that the deputation representing those who had been proctors in the University, which came to him, had assured him that even when the Militia were in the City for a short time it was almost impossible to maintain discipline in the University. It was, therefore, evident that if they brought into the neighbourhood of the University a set of young men—although they might be few in number—who lived in a different sphere, having other associations, and admitted to their fellowship those who were at the University, much difficulty would be experienced in preserving that good feeling which was essential to order in the University. He had no wish to make too much of this question, but he desired to call the attention of the right hon. Gentleman to the subject once more, in the hope that he would give an undertaking that he would not come to a final decision on the subject until the University had reassembled, or perhaps until Parliament had met again.

MR. PEASE said, he was unable to approve of the proposal of the right hon. Gentleman, because he entertained a strong feeling with regard to the proposed establishment of a depôt in a division of a county which so far had been free from barracks as his own, and because he was unable cheerfully to assent to the grant of so large a sum as would be taken by this Bill, for the right hon. Gentleman had admitted that he could not secure for £3,500,000 the accommodation he had at first contemplated, and it was possible that he would not be able to obtain it for £4,500,000. Moreover, there was now in the country barrack accommodation for 135,000 men, and although the whole of it could not be recommended by military authorities, there must be a considerable margin remaining, which might be used for the purposes of this scheme, and in reduction of the amount in the Bill now before the House. It had been said that the object was the localization of regiments, which he supposed was the placing them in districts from which they were likely to be recruited. Now, he protested against that being likely to be the case, for the districts from which they were likely to be recruited were those in which the labour market was the lowest. No man could shut his eyes to the fact that wherever there were 90 per cent of men in a state of celibacy great demoralization must be the result, and the fact that 14,000 persons had petitioned against having a depôt at Sunderland was a proof that the feeling of the inhabitants was strongly opposed to the measure. He regretted to find that this monstrous military expenditure found so much favour with the Government, and believed that it would create a most uncomfortable feeling throughout the country against a Government which came into office professing totally different views.

SIR JOHN PAKINGTON said, he was sorry that a Bill of such importance should be discussed at that late hour — nearly 1 o'clock. There was one thing, however, that he wished to say in particular upon the subject, which was that he entirely concurred in the objection of the hon. Member for Merthyr Tydvil (Mr. Richard) to the clause which saved soldiers who were the fathers of illegitimate children from the consequences to which others who did not belong to the Army and were the fathers of illegitimate children were subject. He deeply regretted that exemption. Such a measure ought not to be passed or rejected without full consideration. He must, however, be allowed to state that the Bill had not been objected to by Parliament. The plan had been proposed many months ago, and favourably received by the House, and he believed, notwithstanding what had been stated, that it was regarded favourably by the country also. As no one had thought proper to move that the Bill be read a second time that day six months, he did not see how the House could refuse to grant the money to carry out the plan to which it had assented. But he must be allowed to advert to one part of the policy of the Government from which he wholly dissented, and that was the colonial policy on which the Bill was partly founded. He did not himself like the policy of concentrating such large bodies of troops in this country, and he thought the time would soon come when there would be an outcry against it, but as the plan had been undertaken he thought the House could not do otherwise than vote the money necessary to carry it out.

Mr. HOLMS moved the adjournment of the debate.

Mr. CARDWELL hoped the hon. Member would not persist in his Motion, for an adjourned debate on the Bill at this late period of the Session would be excessively inconvenient.

Lord EUSTACE CECIL supported the Motion for adjournment. A Bill of such importance ought to have been introduced at an earlier date, so as to have afforded proper time for its discussion.

Mr. SCLATER-BOOTH also thought the House would be justified in insisting on an adjournment. He wished to know how the money required for the Bill was to be provided?

The CHANCELLOR of the EXCHEQUER said, his intention was to raise it out of the Balances without incurring any debt at all.

Mr. RYLANDS thought that if there was not sufficient time to discuss the Bill it should be thrown over to the next Session of Parliament. We were in no imminent danger, and therefore there could be no necessity for pressing the measure forward with such haste.

Motion *agreed to.*

Debate *adjourned* till *To-morrow.*

REGISTRATION OF PARTNERSHIPS BILL.

On Motion of Mr. Norwood, Bill to enforce the Registration of certain Partnerships and of persons carrying on business under names or styles other than their own, *ordered* to be brought in by Mr. Norwood, Mr. Barnett, Mr. Turner, and Mr. Whitwell.

Bill *presented,* and read the first time. [Bill 249.]

MILITARY MANŒUVRES BILL.

On Motion of Mr. Secretary Cardwell, Bill for making provision for facilitating the manœuvres of Troops to be assembled during the ensuing autumn, *ordered* to be brought in by Mr. Secretary Cardwell and Mr. Campbell.

Bill *presented,* and read the first time. [Bill 251.]

WAR OFFICE (PENSIONS) BILL.

On Motion of Mr. Campbell, Bill to amend the Law relating to the grant of Pensions and other compensations to certain workmen who entered the permanent Civil Service of the War Department between the passing of "The Superannuation Act, 1859," and the seventeenth day of December one thousand eight hundred and sixty-one, *ordered* to be brought in by Mr. Campbell and Mr. Secretary Cardwell.

Bill *presented,* and read the first time. [Bill 252.]

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT 1862 AMENDMENT BILL.

On Motion of The Lord Advocate, Bill to amend "The General Police and Improvement (Scotland) Act, 1862," *ordered* to be brought in by The Lord Advocate and Mr. Adam.

Bill *presented,* and read the first time. [Bill 250.]

GREENWICH HOSPITAL BILL.

On Motion of Mr. Shaw Lefevre, Bill for making further provision respecting the application of the Revenues of Greenwich Hospital, *ordered* to be brought in by Mr. Shaw Lefevre and Mr. Goschen.

Bill *presented,* and read the first time. [Bill 253.]

LOCAL GOVERNMENT SUPPLEMENTAL (NO. 3) BILL.

On Motion of Mr Hibbert, Bill to confirm certain Provisional Orders of the Local Government Board, relating to the districts of Bristol, Cardiff, Ealing, Idle, Lincoln, Newport (Monmouthshire), Shipley, Warrington, Wigan, and Wrington, *ordered* to be brought in by Mr. Hibbert and Mr. Chichester Fortescue.

Bill *presented,* and read the first time. [Bill 254.]

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

Message from *The Lords,*—That they do not insist on their Amendments to the Parliamentary and Municipal Elections Bill to which this House disagrees; and agree to the Amendments made by this House to the Bill with Amendments, to which they desire the concurrence of this House.

Lords Amendments to be considered *forthwith; considered,* and *agreed to.*

House adjourned at
Three o'clock.

HOUSE OF LORDS,

Tuesday, 16*th July,* 1878.

MINUTES.]—Public Bills—*First Reading*—Statute Law Revision (No. 2)* (217); Statute Law Revision (Ireland)* (218); Metropolitan Tramways Provisional Orders Suspension* (220); Consolidated Fund (£8,000,000)*; Mines (Coal) Regulation* (224); Grand Juries (Ireland)* (225); Galashiels Jurisdiction Act Amendment* (226); Victoria Park* (227).

Second Reading—Summary Jurisdiction* (200).

Report of Select Committee—Church of England Fire Insurance* (102-215-216).

Report—Church of England Fire Insurance* (102-215-216); Inclosure Law Amendment (204-221); Education (Scotland) (210-222); Registration of Births and Deaths* (179-223).

Third Reading—Court of Chancery (Funds)* (205); Treaty of Washington* (191); Drainage and Improvement of Lands (Ireland) Acts Amendment* (184), and *passed.*

TREATY OF WASHINGTON.
TRIBUNAL OF ARBITRATION (GENEVA).
THE INDIRECT CLAIMS.

ARGUMENT.

Argument of the United States delivered to the Tribunal of Arbitration at Geneva 15th June 1872: *Presented* (by command), and ordered to lie on the Table.—North America No. 12. (1872).

INCLOSURE LAW AMENDMENT BILL.

(Nos. 204-221.)

(*The Earl of Morley.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 3 (Allotments for recreation ground and field garden out of common).

LORD REDESDALE objected to the provision by which, in the case of every inclosure, there should be an allotment of not less than one-tenth of the whole extent of the common for the purpose of recreation grounds and field gardens. Such a provision ought not to be assented to. Were the lords of the soil and the commoners to be told that they must not have an inclosure, except on the condition of giving up one-tenth of the land? That was a new principle.

THE EARL OF MORLEY denied that the principle was new. Under the Act of 1845 the Inclosure Commissioners had power to make allotments for field gardens and recreation grounds.

LORD REDESDALE contended that the principle was new, because the word "shall" was now proposed to be substituted for "may." In some commons there were persons who had a just claim to have such allotments made, and it was therefore necessary that the Commissioners should have power to award them; but where no one had any such right, to make the allotment compulsory was an invasion of property.

THE EARL OF KIMBERLEY said, that if the thing was wrong in principle, it was wrong whether done directly by an Act of Parliament or indirectly through Commissioners. By the Bill now before their Lordships nothing more was proposed but that which the Act of 1845 gave the Commissioners a discretion to do. There was no invasion of property in the case.

LORD PORTMAN said, that the proposition for the allotment of one-tenth or 50 acres as a minimum, when the common exceeded 500 acres, was carried in the Committee of the House of Commons by the casting vote of the Chairman, and could not be called the opinion of the House. There was a recommendation also that the extent and peculiar nature of each kind of private rights should be taken into account when such an allotment was being made, which showed that a minimum could not be intended to be absolutely enforced. In some places there were no people to enjoy recreation grounds. He knew of some places inclosed under the present law where a small allotment had been made for recreation, which was now waste, because no one used or wished to use it; and such places would hereafter be found where one-tenth of the common would under this scheme be wasted. The theorists would not look at existing facts; but it was the duty of this House not to overlook them. With the view of securing that not more than one-tenth or 50 acres should in any case be allotted, he begged to move the omission of the word "less," in order that the word "more" might be inserted in its stead.

THE EARL OF MORLEY hoped their Lordships would not agree to the Amendment. If the Amendment were adopted, it would be impossible to allot for the purposes of field gardens and recreation grounds more than one-tenth of the whole extent, or 50 acres, whatever the size of the inclosure, and the minimum regulation would be cut out of the Bill. That would defeat completely the objects contemplated by the Bill—namely, to afford recreation ground in accordance with the population in the neighbourhood of the inclosure. The Commissioners were to have regard to all the circumstances which ought to be considered in making an allotment. True, the allotment of a minimum of one-tenth in some cases and of at least 50 acres in all others was compulsory, because the justification of this Bill was, that in the opinion of the country and of the House of Commons, the Commissioners had not exercised their discretion as to allotment in a sufficiently liberal manner, the percentage of public allotment for field gardens and recreation grounds having been only 1 per cent of the whole of the inclosed land. So strongly had the Committee of 1869 felt on the subject, that they recommended to Parliament that no further inclosures should be allowed until a principle should be established upon which public allotments should in every case be set out. The principle of this Bill was to lay down a minimum and not a maximum. He trusted their Lordships would not pass this Amendment, which was contrary to public opinion, and to the opinion of the House of Commons.

LORD ORMATHWAITE thought it was going too far to assume that the opinion of the country and of the House of Commons was in favour of this Bill, merely because the Committee of the House of Commons had made certain recommendations which had not yet been acted upon by that House.

THE MARQUESS OF SALISBURY objected to the fallacy that whenever Parliament was asked to remove any small impediment which stood between individuals and their rights, Parliament was entitled to levy black mail on the persons who came to it, requesting the necessary facility. What Parliament had to do was to give effect to existing rights and remove impediments, and not follow the example of the ancient Robbers of the Rhine, who levied toll on all who passed under their castles. Such conduct was hardly worthy of the honesty which Parliament was bound to profess and act on. The next fallacy to which he objected was that involved in the sentiment to which noble Lords opposite were so fond of referring—that "public opinion" was in favour of the measure. Now what did "public opinion" mean in such a case? A few articles in newspapers and a few speeches from crotchety orators. It was a favourite resource of the Bench opposite to threaten their Lordships with an autumn agitation; but they could scarcely be threatened with an autumn agitation about such a Bill as this. He did not suppose that the cry for the abolition of the House of Lords could be revived on this Inclosure Bill. Those references to "public opinion" were not very wise. There was a small, but he admitted, noisy party who thought their opinion ought always to prevail with their Lordships; but what their Lordships' House had in all cases to do was to endeavour to ascertain the right course, and carry it out without regard to what might be said of them. In the case under consideration he thought a discretion ought to be left to the Commissioners, and that the Bill ought not to lay down so rigid a rule as it did in respect of the space to be allotted for field gardens and recreation grounds.

THE EARL OF KIMBERLEY said, he did not agree with the noble Marquess in thinking there were two fallacies in the arguments adduced in favour of this clause; but he hoped the noble Marquess would not be angry with him, if he said that he had made use of two fallacies in answering those arguments. The first fallacy assumed by the noble Marquess was, that whenever anyone came to Parliament for permission to exercise his rights, Parliament was entitled to levy "black mail" on that person; but the noble Marquess had fallen into an error on that point. This was not a question of the exercise of rights. If the lord of the manor possessed those rights which the noble Marquess supposed him to possess, he would have nothing to do but exercise them, and he need not come to Parliament. Nothing could be more certain than that the lord of the manor and the two-thirds of the commoners would not have had the power of making an inclosure but for the Act of 1845. When confiscation was spoken of with reference to this Bill, he would ask whether the Act of 1845, which gave the lord of the manor and two-thirds of the commoners the right to inclose a part against the will of the remaining one-third of the commoners was confiscation? He did not believe it was, nor did he believe this Bill was confiscation; but certainly the term would be quite as applicable to the Act of 1845 as to this Bill. He held that if persons who had not a right came to Parliament to have a right conferred upon them, Parliament, acting in the public interest, had a right to annex conditions to the granting of the right without exposing itself to the charge of levying black mail. The second fallacy assumed by the noble Marquess was that the "public opinion" spoken of in this case was that of a few newspaper articles and a few crotchet-mongers. A Committee of the House of Commons had recommended that no further inclosure should be allowed until the law was altered. Was not that an expression of public opinion? He thought the opinion of the House of Commons might be quoted as that of the country. His noble Friend (the Earl of Morley) had quoted it as against the existing law, but he had not claimed the sanction of the House of Commons for this Bill, because it had not been before the House of Commons yet. This Bill was not one of confiscation; it was an "enabling Bill," because it enabled the lords and the commoners to extricate themselves from the difficulty in which they were now involved.

THE DUKE OF MARLBOROUGH thought that before their Lordships went further with this Bill, the Government ought to tell them what were its chances in "another place." From a statement which Mr. Gladstone was reported to have made last night, it would appear that the right hon. Gentleman regarded it as doubtful whether this Bill could be proceeded with in the present Session.

EARL GRANVILLE said, he had not the words of his right hon. Friend before him, but he believed Mr. Gladstone had mentioned the Bill as one which the Government were anxious to have passed.

LORD REDESDALE maintained that the Bill would inflict great injustice, if this question were not left to the discretion of the Commissioners, as the circumstances in one case might differ widely from those in another.

THE EARL OF CHICHESTER said, the public had at least *quasi* rights for recreation and other purposes, and if they were taken away, were fairly entitled to compensation in the shape of recreation grounds for the inclosure of open spaces of which they had had the use.

THE EARL OF MALMESBURY said, that nothing could be more absurd than to lay down that a certain extent of recreation ground must be allotted. Regard ought to be had to the circumstances of the locality. There had been a great outcry in some places against any invasion of the public right to use commons for recreation and other enjoyment, when the area was far greater than was required for the purpose—as take the case of the New Forest.

On Question, That the word proposed to be left out stand part of the clause?—Their Lordships *divided*:—Contents 67; Not-Contents 60: Majority 7.

THE EARL OF MORLEY moved to insert after Clause 5 the following clause:—

"Where the commissioners receive such application and undertaking as hereinafter mentioned, they may, in their Provisional Order relating to any land proposed to be inclosed, specify that one of the terms and conditions of the inclosure thereof is the appropriation, in addition to the recreation ground required by this Act to be allotted, of paths or rides or drives for the exercise and recreation of the inhabitants of the neighbourhood. The provisions of the General Inclosure Acts, 1845 to 1872, relating to allotments for recreation grounds (including those relating to the vesting of the soil in any private person with his consent), shall extend to any allotment made under this section; and the soil therein, if not vested in any private person, may be vested in the churchwardens and overseers, local authority, or other trustees.

"An application for the purpose of this section may be made by the local authority of any town or the vestry of any parish in, or in the neighbourhood of, which the land proposed to be inclosed is situate, or by any private person or persons being occupiers or owners of land in the neighbourhood of the land proposed to be inclosed.

"Such application shall be accompanied by an undertaking by the applicants to maintain any path, ride, or drive which may be allotted in pursuance of such application, and any local authority and vestry may give such undertaking. The Provisional Order which provides for the allotment of any path, ride, or drive, shall specify the said application and undertaking, and such undertaking shall, when such Provisional Order is confirmed by Parliament, have effect as if it were enacted by Parliament.

"Where the commissioners are satisfied that the rents received from the field gardens allotted in pursuance of any Provisional Order will be sufficient to maintain any path, ride, or drive which may be allotted in pursuance of that Order, they may act under this section without requiring any such undertaking as aforesaid."

THE MARQUESS OF SALISBURY said, this was an extraordinary proposition, for it amounted to no less than this—that paths, rides, and drives for the wealthy should be provided by the lord of the manor and the commoners. After such a proposition he was only astonished at the moderation of the Government. He only wondered that they did not require the lord of the manor and the commoners to contribute a large sum to the Consolidated Fund by way of compensation for inclosure.

LORD REDESDALE most distinctly objected to the portion of this clause which, among the parties who might make application for an allotment for paths, rides, and drives, included "any private person or persons being occupiers or owners of land in the neighbourhood of the land proposed to be inclosed." He moved the omission of those words.

EARL BEAUCHAMP said, their Lordships might consent to strain the rights of property when the question was one of providing field gardens and recreation grounds for the humbler classes; but to strain them in order to provide rides and drives for the wealthier classes would throw ridicule on the whole thing.

THE EARL OF KIMBERLEY said, that as roads were already allotted, he did not see anything absurd in going a step further and allotting rides and drives. A clause containing provision for such allotment was withdrawn when the Bill was in Committee, because in that clause no provision was made for the maintenance of the rides and drives. The clause now provided that the applicants for such allotment must give an undertaking for the maintenance of rides and drives, except in cases where the Commissioners were satisfied that the rents received from field gardens would be sufficient for their maintenance.

THE DUKE OF RICHMOND said, that under the clause a person who took a house for six weeks in the neighbourhood of the inclosure might apply for an allotment for rides and drives.

THE EARL OF KIMBERLEY: But he must undertake their maintenance.

THE DUKE OF RICHMOND: He may undertake, but where is the guarantee?

EARL GRANVILLE: The Commissioners are to be "satisfied" of that.

On Question, Whether the words proposed to be left out stand part of the proposed new clause?—Their Lordships *divided*:—Contents 65; Not-Contents 67: Majority 2.

Words *struck out.*

Clause, as amended, *agreed to*, and ordered to stand part of the Bill.

Clause 18 (Definition of suburban common).

EARL BEAUCHAMP moved to omit the word "boundaries," in order to insert the words "town-hall, post-office, or parish church, as the Commissioners may in each case appoint." By taking either of those places as the point of measurement, substantial justice would be done, without in any way interfering with the object for which the Bill was proposed.

THE EARL OF MORLEY admitted that there were difficulties in the case, but believed that the Amendment of the noble Lord would not diminish them.

Amendment *negatived.*

Amendments made.

Bill to be read 3^a on *Friday* next; and to be *printed* as amended. (No. 221.)

EDUCATION (SCOTLAND) BILL.

(*The Duke of Argyll.*)

(NOS. 210-222.) REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Further Amendments made.

Clause 15 (First election of school boards).

THE DUKE OF ARGYLL moved at end of clause to insert a Proviso—

> "That no teacher of a public school in any parish or burgh shall be eligible as a member of a school board under this Act."

Amendment *agreed to.*

Clause 29 (Public schools).

LORD COLONSAY moved to insert at the end of clause—

> ("But nothing in this Act contained shall prejudice or affect the right of the schoolmasters in existing parish schools which, under the operations of this Act, may be deemed to be burgh schools, or their successors in office, to participate in the benefits of any bequest for behoof of the schoolmasters of parochial schools, or the powers, rights, and privileges of the trustees or administrators of any such bequests").

Amendment *agreed to.*

Clause 43 (Consents to transference).

LORD COLONSAY said, that the clause proposed that the consent of any number of persons having the administration of the trusts in which any school is held to the transference of such school to a school board under this Act should be given "by a majority sufficient for any ordinary act of trust management." He proposed to strike out these words and substitute—

> ("By a majority of not less than three-fourths having the administration of such trusts present at a meeting duly summoned for such purpose").

THE DUKE OF ARGYLL opposed the proposal, on the ground that the provisions contained in the Bill—which would in some instances be more, and in none less stringent than those in operation—would meet all the requirements of the case.

LORD COLONSAY said, that as the Bill proposed to make extraordinary enactments, extraordinary provisions ought to be made in order to prevent a complete reversal of the existing state of things.

THE MARQUESS OF SALISBURY thought it was not only the right, but the duty of Parliament to take such steps as would prevent the possibility of breaches of trust being committed.

After some discussion "two-thirds" were substituted for "three-fourths," and the Amendment, thus amended, was *agreed to.*

Clause 64 (Removal of principal teachers).

THE DUKE OF RICHMOND said, the proposals of the Bill with regard to charges of unfitness or incompetency against school teachers was not satisfactory, and proposed to insert in the clause—

("And within ten days after receiving the copy of such report the teacher shall be entitled to make application to the Board of Education to allow him to be heard before the said board in defence, and the board shall be thereafter entitled to allow such further inquiry as they may think right: Provided also, that if they shall find that the incompetency, unfitness, or inefficiency of the teacher arises from infirmity or old age, or is not occasioned by his own fault, he shall be entitled, in the case of teachers of parish schools in office at the passing of this Act, to a retiring allowance, the amount whereof shall not be less than two third parts of the amount of the salary pertaining to said office at the date of such judgment, and shall not exceed the gross amount of such salary, which retiring allowance shall be payable in all respects in like manner with the salary of the schoolmaster; and in the case of other teachers, to a retiring allowance of such amount as the school board shall determine").

THE DUKE OF ARGYLL thought the provision contained at the end of Clause 65 would save the rights of teachers under the existing law.

After short conversation, Amendment *negatived.*

Clause 66 (Higher class public schools. —Burgh).

THE DUKE OF RICHMOND said, the noble Duke had admitted on behalf of the Government that it was highly important to maintain the high standard of education which had obtained in Scotland up to the present time. This certainly could not be accomplished if the standard of examination for teachers were lowered, and he therefore would move to omit, page 25, line 9, from ("A") to ("same") in line 16, and insert—

("Board of examiners of higher class public schools, and for fixing and ascertaining the qualifications of candidates for the office of teacher therein shall be constituted as follows: one member to be appointed by the university court of each university in Scotland, two to be appointed by the Scotch Education Department, and one to be appointed by the Educational Institute of Scotland, the first appointments to be made within three months after the passing of this Act, and the examiners appointed to hold office for three years, and to be capable of re-election; such board of examiners shall possess all the powers and discharge all the duties with reference to certificates of competency for higher class public schools, which are by sections 61, 62, and 63, of this Act vested in the Scotch Education Department, and the examiners appointed by the said department with reference to certificates of competency for other public schools, and every candidate for a certificate under this section shall pay such fee as may be determined from time to time by the Scotch Education Department").

The Bill provided that in the case of the higher class schools the school boards should fix the standard of qualification for the teachers, and should appoint Examiners to conduct an inquiry into their competency, but did not give the same powers to the boards of the local schools. He should move another Amendment, calculated, as he thought, to ensure that the qualifications of the masters should be ascertained by a competent Board of Examiners—namely, in page 26, line 16, leave out from ("by") to end of sub-section and insert—

("The said board of examiners, or any of their number appointed by them, and the examiners shall make a report of the examination of such school to the school board having the management thereof; and the expenses of all examinations under this section, including such remuneration to each examiner as shall be fixed by the Scotch Education Department, shall be defrayed out of the fees paid by candidates as aforesaid, together with such further sum from the school fund of the parish or burgh in which each such school is situated, as may be determined by the Scotch Education Department").

THE DUKE OF ARGYLL said, he had no objection to the general object of the noble Duke's proposals, but he objected to the way in which he proposed to carry them out. He thought that it indicated great distrust in the constituents of the school boards, upon whom would devolve the duty of carrying out the provisions of the Bill when it had become law. The existing higher class schools were for the most part under the management of the town councils, which had been elected by the ratepayers, and as their mode of management had not been open to objection—the Edinburgh High

School, which which had acquired so great a reputation, having been from time immemorial under the management of the Town Council—he did not see why there was any reason to distrust the school boards, which would be under the Bill similarly constituted. It should be remembered that the Privy Council gave no assistance to the high schools. He did not know that the Educational Institute of Scotland—one of the bodies to whom the noble Duke proposed to commit the nomination of one of the Examiners—was a body that commanded any great amount of respect. Not the least of his objections to the proposal of the noble Duke was, that the cost of examinations should be defrayed by the candidates who offered themselves for examination as schoolmasters.

Lord KINNAIRD thought the appointment of Examiners by town councils was to be deprecated, because the natural tendency of such bodies was to procure the cheapest rather than the most efficient teachers; but, at the same time, he did not think that the proposals of the noble Duke (the Duke of Richmond) would produce such a Board of Examiners as was required. He hoped the Amendment would not be pressed.

The Earl of AIRLIE held that these schools being endowed schools, it was both the right and the duty of Parliament to make them as efficient as possible. The principle of the Amendment—namely, that there should be an independent examination both of teachers and of schools—was a good one. It ought not to be in the power of any school board, desiring to "make things pleasant," to appoint an Examiner who would say that everything was going on satisfactorily. That under the existing system, the Scotch schoolmasters were, as a body, competent and able men was rather in spite of than in consequence of the manner in which they were appointed.

The Duke of RICHMOND reminded the noble Duke opposite that, unless he was misinformed, the present Chancellor of the Exchequer exacted from the candidates attending the competitive examinations for the Civil Service certain fees, which went towards paying the expenses of the examinations. He hoped, therefore, that the noble Duke would not refuse to follow the example set him by that high authority.

On Question, That the words proposed to be left out stand part of the Clause?—Their Lordships *divided:*—Contents 42; Not-Contents 38: Majority 4.

The Earl of ROSEBERY, in rising to move an Amendment forbidding the teaching in any school of any catechism or any religious formulary distinctive of any particular denomination, said:—My Lords, on Friday week, in the course of his speech on the second reading of the Bill, the noble Duke who introduced it expressed himself as strongly opposed to secular education. I shall not follow the noble Duke into argument on that topic. I confess I have always thought that in theory the doctrine of the division of labour holds good with regard to instruction, and that in practice a system which has had so large a share in the education of America and Canada cannot be considered as otherwise than a success. But the noble Duke almost challenged your Lordships to bring forward an Amendment with the view of reconciling the Scotch and English Act as regards catechisms. Under such a challenge I could not conscientiously remain silent; and though I fear I shall not receive the support of many of your Lordships, I will briefly, at this critical hour of the evening, explain the reasons which induce me to bring forward my Amendment. In the first place, my Lords, we are told that there is no religious difficulty in Scotland. That, indeed, would be a grave objection, if it were founded on fact; but, my Lords, I deny that it is founded on fact, and, even admitting the religious difficulty to be comparatively small, I assert that that is owing to conditions which will cease to operate when you have passed this Act. It is true, so far, that the religious difficulty in Scotland is smaller than that in England or in Ireland. But it is not of the entirely microscopic character which some have thought fit to describe it. One-seventh of the population of Scotland have not merely no connection with, but an antagonism to, Presbyterianism. But, again, there are, as the noble Duke knows perfectly well, Presbyterians and Presbyterians. The United Presbyterians form the third largest religious Body in Scotland. What has been the course taken with regard to education by the United Presbyterians? That Body has made an annual declaration since 1847—for 25 years—for the complete separation of secular and religious education. They consider, rightly, or wrongly, that the State has nothing whatever to do with religious education, which they regard as the prerogative of the parent and the Church. So it is not perfectly accurate to represent the whole of Scotland as ready to accept the Shorter Catechism, as a part of school education. But let us take the experience of qualified persons. Who is the man of all Scotland whom we should choose, perhaps, as most qualified to speak with authority on this subject? We should all probably say, Dr. Lyon Playfair. What does he say—

> "Practically, we ought to have no difficulties of religion to contend with; but actually there is at present much religious excitement in Scotland about this Bill. I cannot deny that chiefly on account of the ecclesiastical obstacles which have been put in the way of educational progress since 1854, there is a rapidly growing desire among the people for separating secular and religious instruction in the school, with the view of confiding the latter to the Churches."

That seems to me to be an opinion, the force and weight and authority of which it is impossible to deny; and I think that the noble Duke will find it difficult to prove that it is mathematically correct to continue to divide the people of Scotland into the two simple classes of Shorter Catechumens and Shorter Catechists. But I believe that even if the religious difficulty be really smaller in Scotland than in England, there is a cause for this which will cease to operate after the passing of this Act. For 25 years the religious difficulty has become more and more active and pressing in the United Kingdom. For 25 years the United Presbyterian Synod has sounded the key-note of secular education; and for 25 years you have been dangling an Education Bill before the people of Scotland. During those years there has been a general consent to await the result of your decisions, and, meanwhile, at any cost, to procure the best possible education for the children; but that has always been considered as a provisional state of things. A Scotch parent will stick at little to obtain the necessary instruction for his children. He may dislike being compelled to have them taught dogmatic religion with the three R's; but he has known that there would be no three R's procurable otherwise. It may be licking honey off thorns; but, then, no honey can be got in any other way. He has always been hoping for the time when Parliament should settle this question, and he no longer be compelled to sue for education at the door of another Church. But when you produce your settlement, and he sees it is no settlement, will there be no religious difficulty then? I know that Roman Catholic children have sat through the Shorter Catechism; but that has been harder for them than total exclusion. For not merely have they been forced, in order to secure secular education, to learn the Shorter Catechism—which is difficult—but to remain good Catholics, they have had to do what is perhaps more difficult—to unlearn the Shorter Catechism. Yet, because people have done all this—in view of the approaching settlement of the question—rather than not learn to read, write, and reckon, it is said that there is no religious difficulty in Scotland. He would be a bold man who would predict that such a settlement as this will last for 20 years; nor do I think you can easily disregard the names that appear on the rolls of that association, from whom I had the honour the other night to present a Petition in favour of this Amendment. It will be, I confess, a very extraordinary thing to me if in face of these facts, and these synodal declarations, and these distinguished and influential persons who are opposed to your system, and the English Education Act itself staring you in the face, this Bill shall be considered a settlement of the question. But I will bring forward another argument. You must remember that hitherto rates for education have been paid by the heritors alone; but they are now to fall on the whole body of ratepayers. Now, I suppose we all know the searching nature of rates? We have all had our little experience of them. Noble Lords who live south of the Tweed need only think of church rates, and noble Lords north of the Tweed of the annuity tax. Do you not suppose that these persons who are thus to acquire the privilege of paying a rate will look out with uncommon sharpness to what they are paying for? Will not this rate, judging from experience, very likely discover diversities of creed and niceties of conscience even where they have not hitherto shown themselves? This Bill will indeed form an epoch in the dismal history of rates if it be not so. You are about deliberately to put into the hands of that large class of persons who will avail themselves of any means of defence against a rate, and of those to whom the rate is a considerable burden—the tremendous weapon of sectarian difference and conscientious difficulty. And you think they will not use it? But then, my Lords, such a clause as this would lead to what is broadly and coarsely termed Godless education. That is an accusation to which I attach very little importance. So far from this being the case I should be content to rest my advocacy of this Amendment on the interests of religious teaching; for how will this Bill teach religion? You are to get some odd moments during the day; you are to get the *rinçures*—the rinsings—of secular education; for you cannot expect that the schoolmaster will devote more pains to fit himself for the religious half-hour than for the secular four hours. But even if that be not his wish, the school board elected by the ratepayers will probably take good care that it is so. Then what will the teacher teach at these spare moments? It is perfectly clear—the Shorter Catechism. It is the Shorter Catechism to which the people of Scotland, as we are told, cling; it is in the Shorter Catechism that instruction will be given at these odd times to children between 5 and 13. But now as to instruction in this Shorter Catechism—and instruction given, mind, as a recognized part of the school teaching, and not in the hole-and-corner manner proposed by the Bill—the language of the Commissioners of 1867 is clear and precise. As long as they kept to the beaten track of the Catechism questions, the answers were delightfully clear and precise; but the moment they deviated from that path in the least, they were met with blank looks and appalling ignorance. But is this wonderful? Have your Lordships ever read the Shorter Catechism? It is described on its cover as being designed for the use of those of "weaker capacity." I open it at hap-hazard, and find this formidable question—

> "What are the benefits which in this life do accompany or flow from justification, adoption, or sanctification?"

If that is a question suitable for the weaker capacities of Scotland, I feel moved to take the greatest pride in the stronger intellects of my native country. But seriously, I ask you, my Lords, which is the true friend to religious education, the man who would instruct a child in such matters as these at odd moments, or he who would relegate such awful and intricate subjects to separate and careful instruction? I contend that religious instruction to be efficient should be at least as full, as definite, and as careful as any other department of education. Teaching religion by making the child commit to memory the Shorter Catechism is like teaching Greek without a grammar—or the man who read Euclid through like a novel, in order to improve his reasoning powers. But, my Lords, while we are talking of the Shorter Catechism, I may fairly avow that what I have read in the Report submitted by the noble Duke's (the Duke of Argyll's) Commission in 1867 would make me doubtful on other grounds as to the wisdom of teaching the Shorter Catechism to these young children. Take the following extract from the Report:—

The Earl of Rosebery

> "All the ministers acknowledged that the children were not expected to understand the answers; but they held that the answers being taught in childhood clung to the people's memories as they grew up, and were valuable, not only as intellectual, but as moral discipline."

That is the sole apology. It may, indeed, be moral discipline to learn that by rote which you cannot understand, but it is assuredly not intellectual discipline—

> "One minister considered the Catechism well fitted for improving the memories of the young."

This is an advantage shared by Gray's *Memoria Technica*, and other works which do not pretend to be instruments of religious education.

> "Another minister assured us that in his communion classes he always knew by the intelligence of the young people whether they had learned their Catechism or not."

Naturally, a child who can commit a pamphlet to memory of which he does not understand a word would be, to say the least, intelligent.

> "And a third minister maintained that the traditional stability of the Scotch character arose out of their instruction in the Shorter Catechism."

This reason requires no comment, but it is certainly a startling illustration of cause and effect.

> "Teachers and Inspectors differ in their views as to whether it should be given up. The majority, however, think it should be retained; but

> some would be glad to see it both simplified and modified—simplified to suit the capacities of the children"—in which case it would cease to be the Shorter Catechism—"and modified to meet with the approval of every Protestant."

In which case I need hardly say it would be, if not unique, at any rate one of the most remarkable creeds extant. Thus, then, I contend that the Shorter Catechism will not be a benefit as proposed to be taught, and that even as taught hitherto, it has not been an efficient means of education. Indeed, it might almost be said after reading the Report that from the mouths of its apologists has proceeded its condemnation as a mere ordinary subject of education. But, my Lords, see again how this Act will work without such a clause as the English Education Act contains. Suppose you have a school board in which you have a bare majority of Established Churchmen. The Established Church do not form 50 per cent of the population of Scotland; they are, however, more numerous than any other denomination. They will probably, as a rule, have majorities in the school board, and probably also, as a rule, bare majorities. Will not those bare majorities be apt to choose their schoolmaster not for his efficiency or his general ability, but because he will be a fair teacher of secular subjects and an excellent exponent of denominational religion? So that by this proviso you will be meting out short measure to the Roman Catholic or United Presbyterian child, in order to furnish excellent denominational education to the bantling of the Establishment. But, again, take the case of the teachers. Take a candidate for a schoolmastership. Will he not have cause to complain if, being the best secular candidate —that is, the best public teacher for the whole parish, another is preferred before him on account of superior knowledge of the Shorter Catechism? Consider, again. The schoolmaster is appointed by the school board. At the end of three years, the school board, with the bare majority of the Establishment, goes out, having made itself unpopular as having imposed a rate. It is succeeded by an opposition board, whose first care will be to get rid of its predecessor's nominee. That will secure a pleasing variety in your educational system; but I submit that such variety is hardly desirable. Nay, the reaction caused may do the very thing you wish to avoid, and drive religion altogether from the schools. But, then, let us never forget that we are fortunate enough to have a Preamble—a Preamble, historical and precise in its language, which was passed the other night with considerable pomp and circumstance. That Preamble we know is the efficient instrument which secures to us adequate religious instruction. I happen to know this, because I have been told so by persons for whose authority I have great respect. But, to tell the truth, I did not understand that Preamble at the time, and as after subsequent reflection, I understand it still less, I will take the liberty of asking a question or two. I will ask the most rev. Prelate who inaugurated the debate on Friday night by speaking with a double authority— firstly, as Prelate, and secondly as a Scotchman of whom all Scotchmen are proud, what security there is in this Bill—with its religious Preamble—for the religious teaching of that branch of the English communion which exists in Scotland? It is not, indeed, very numerous, but it is not soulless, and it will pay the rate. I will take the liberty of asking the noble Lord the Lord Chancellor of Ireland, or the noble Duke the Earl Marshal, what security they see for the religious teaching of the members of their Church in this Bill—with its religious Preamble? Yet they form one-tenth of the population of Scotland. How long will this Bill, which provides that these sections of the community shall pay for teaching to which they are completely opposed, be a settlement of the question? Will they not have besides to provide religious instruction by their own voluntary exertions? And yet if you compel them to do so, what hardship is there in compelling others to do so? There will, indeed, be no hardship in making others do so, but there will be a hardship in compelling these to pay for religious instruction of which they entirely disapprove. But, my Lords, having said so much on the question of fact, and of justice, and of effect, let me say a final word as regards expediency. The noble Duke who introduced this Bill acknowledged at the commencement of his eloquent speech the strides which public opinion had made as regards education in the last three years. He illustrated that by stating the impossibility of the Act of 1870 now finding acceptance with that public opinion. He acknowledged towards the end of his speech the strides that public opinion has made towards the separation of secular and religious instruction, and he therefore begged your Lordships to accept the present Bill. But did he not see the logical result of his arguments? If public opinion has made these strides, why does he make this Bill less liberal and more ecclesiastical than the Bill of 1870? But, on the other hand, if public opinion is making this progress in the direction of separating secular and religious instruction, do you suppose that you can dam the progress of public opinion by a clause or a time table? A mole hill has more chance of resisting a garden roller. And this is what is called a settlement of the question! And, my Lords, remember that the proposition I am making is no new one. It is simply and solely the second section of the 14th clause of the English law of education passed the year before last. The burden of proof does not, I contend, lie with me as to its adoption, but with the noble Duke as to its rejection. These then are the reasons for which I ask your acceptance of this Amendment. Ipropose it in no fanatical spirit. If I believed that its adoption would retard for a single day the benefits which I believe this Bill will confer upon Scotland, I would certainly not ask you to pass it. I advocate it on different grounds. It is because I desire that this Bill may not cause injury throughout Scotland by sowing in every parish the dragon's teeth of religious difficulty and religious difference, but rather that it may be the permanent and peaceful solution of a vital question. I honestly and firmly believe that this Bill is no such settlement; I honestly and firmly believe that as regards the question of religious instruction it contains the elements of neither permanence nor peace.

Amendment moved in line 12, after ("Department") insert—

("And no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in any such school.")—(*The Earl of Rosebery.*)

LORD LYTTELTON hoped the House would not assent to this proposition. The right hon. Gentleman (Mr. Cowper-Temple), who caused the adoption of this rule in the English Act, did so with the best intentions, and was a true friend to education. But he believed it had done more than anything else to alienate from that Act the mind of the great body of the English clergy, and of very many of the laity. And a main reason was, that while appearing to be impartial, it in truth, put some religious Bodies under a special disadvantage, inasmuch as some such Bodies, as the Roman Catholic, the Anglican, the Presbyterian, and, he believed, the Wesleyan valued their formularies, while others had none, or did not care about them. In the English Church, not from any fancy, but from the actual injunction of its authority, these formularies were required to be taught to children. Now, what was the exact meaning of the clause? It could not mean such a mere sham as that certain words were forbidden, but the same sense might be taught. The spirit of the clause, no doubt, was to a great extent observed now in schools, and it was quite proper to teach children in a simple and uncontroversial way; but it would probably be found that such teaching was within the limits of what used to be called "orthodox Dissent;" and it answered precisely, because it was not defined by law, but was left to the good sense and discretion of teachers and managers. It would be quite different in the construction, subject to legal appeal, of the express words of a statute—and what religion would that be, which was to contain only what was common to Roman Catholics, Quakers, Unitarians, nay, even Jews? We knew that, writers such as the French expressly said, that the essence of true religion might be equally held by Jews as by Christians. That was true subjectively, but could not apply to external teaching, which must involve some definite statements. He believed it could only issue in what he thought the most stupendous nonsense ever propounded—the reading of the Bible to children without a word of explanation. He regretted that such an Amendment had been proposed by a man of the high promise of the noble Earl, not that his speech had much to do with it, for it was a speech simply in favour of secular schools. But the Amendment was well known. He believed it either to be based on a mischievous fallacy, or to be an utter sham.

LORD STANLEY OF ALDERLEY said, that he was utterly at a loss to know what good purpose was expected to be served by moving this Amendment, and that the noble Earl (the Earl of Rosebery) seemed to have paid no attention to what the noble Duke (the Duke of Argyll) had said in moving the second reading of the Bill, of the preposterous absurdity of a Christian State, or of a State professing to be Christian, prohibiting the education of its children in the Christian religion.

THE EARL OF MINTO supported the Amendment. He thought his noble Friend (the Earl of Rosebery) had done great service by raising this question. He considered that the Shorter Catechism, which was proposed to be allowed in schools, was a most unfortunate proposition. The Shorter Catechism seemed to him to be quite unfit and out of place in the hands of the children—not because it would have anything in the shape of an ill effect upon them, but that they could not understand it.

THE DUKE OF ARGYLL said, that the speech his noble Friend (the Earl of Rosebery) had addressed to their Lordships in support of his proposition was, not so much a speech directed to his Amendment as an argument in favour of secular education. No doubt, much was to be said for and against secular education; but in his (the Duke of Argyll's) opinion much more against it. If the advocates of secular education could secure that children educated in entirely secular schools would have a religious education elsewhere in accordance with the belief of their parents, he should not object to purely secular education in the schools—if they could not secure that, he should refuse to sanction purely secular teaching. But if there was a compulsory separation of religious and secular education, we might be perfectly certain that a great proportion of the children would get no religious education whatever. Moreover, if a system of secular education were thoroughly carried out, and if the children received religious instruction in separate schools from their own clergy, the chances were that this religious instruction would be conceived in a more sectarian spirit than it was now. On the other hand, for the State to resolve upon religious education and dictate to the parents of children the particular form of instruction their children should receive, was a thing no Government could sanction, and which the people of Scotland would never submit to. Indeed, he took it that that House was not the place where these religious points should be decided. As to the objection that the Shorter Catechism was unfit for younger children, his contention was that their Lordships were not in a position to enter into that subject. He attached infinitely more value to the opinion of the Westminster Assembly which sat in the Jerusalem Chamber than he did to the opinion on that subject either of his noble Friend or of the majority of the House. As to the use of the word "Liberal" in this matter, he had longed for an opportunity to protest against it. There was a large number of persons in this country who said "you are not a Liberal" if you did not accept some of their crotchets. These persons prescribed all theology and all dogmatic teaching. He did not say that was the wish of his noble Friend, but he absolutely disclaimed the right of any party to dictate what was consistent or what was inconsistent with Liberal opinions. At all events, if the State undertook to provide religious education, it was the duty of the State to secure that the consciences of the minority should be respected; it had a right to say that it would give no money for religious instruction—and it had a right to secure that money granted by the State for educational purposes should be shared in by all; but it had no right to say either to individuals, associations, or Churches—"You may teach religion in the rate-supported schools, but not teach it according to the formulary you have drawn up." With regard to the Amendment of his noble Friend, he must remark that if ever we should come to such a condition of things, that it was impossible to give any religious instruction to children of different religious communions together, then he would be prepared to consider the alternative of purely secular education under such conditions and restrictions as Parliament might devise. But so long as we allowed religious instruction in our schools, he was absolutely averse from either the prescription or proscription of any religious instruction whatever.

THE EARL OF ROSEBERY said, that the noble Duke had taken him to task for expressing an opinion on the teaching of the Catechism; but he had simply quoted from the Report of the Commission of the noble Duke which sat in 1867; and, to put the case as strongly as possible in favour of the noble Duke, he had quoted the opinion of the ministers in defence of the Shorter Catechism. He had listened vainly throughout the discussion for any apology for the practice of compelling people to pay for the teaching of religious opinions with which they did not agree.

On Question, whether to insert? *Resolved* in the *Negative.*

Amendments made.

Bill to be read 3ª on *Thursday* next; and to be *printed* as amended. (No. 222.)

PALACE OF WESTMINSTER—THE VICTORIA TOWER—SMOKE NUISANCE PREVENTION ACT.—QUESTION.

THE ARCHBISHOP OF CANTERBURY said, he desired to ask a Question with reference to a matter which might be supposed specially to concern himself and those in the house he had the honour to occupy; but when he found the evil of which he complained destroying the stone of the house in which he lived and injuring the owner's own property and the public property committed to his care, and destroying the bindings of the books of the valuable library of which he was the guardian, it was time to consider whether other people might not be equally injured. This nuisance was one which the Legislature had taken steps to correct, for it had entrusted Her Majesty's principal Secretary of State with the duty in the first instance of seeing that such nuisances were abated. Their Lordships were aware that Acts had been passed providing for the consumption of smoke, from the first of which potteries were exempted. By a subsequent Act that exemption had been taken away, so that potteries stood now under the same obligation as other furnaces from which smoke injurious to public health and public property might proceed. The Act which ordered that such matters should be inquired into laid the duty on the Home Secretary of putting in force in the first instance the provisions of the Smoke Nuisance Act. Accordingly, he had sent a memorial to the Secretary of State, and he received from him the answer that the memorial had been forwarded to the Local Government Board, and from the Local Government Board he received the further intimation that they had handed it to the Vestry of Lambeth. He had the greatest respect for his fellow-parishioners who composed that Vestry, and he had no doubt they were anxious to do their duty; but he thought they were not anxious to do the duty of the Secretary of State. Moreover, he thought the expense of putting down this nuisance could hardly with fairness be charged upon the ratepayers of Lambeth, for the injury done was not confined to the parish, but must extend to the whole surrounding neighbourhood. The stone in the buildings on the south side of the Thames, especially in the house which he occupied, was suffering from exactly the same sort of decay as that which was going on in the walls of the Houses of Parliament. Dr. Christison said that muriatic acid which was poured forth from these potteries produced the most serious effects. The muriatic acid was elaborated by pouring on the pottery work when it was red-hot a certain amount of common salt, and the gas thus evolved poisoned the whole atmosphere around. The muriatic acid gas acting on any stone which contained lime immediately decomposed the stone, and any ornamental work like that which abounded in the Houses of Parliament crumbled away. A very small quantity, according to Dr. Christison, was fatal to animal and vegetable life, and anyone might see that the trees which had been planted on the other side of the river were dying under its influence, and he could not but doubt that it would be found that the death rate in some parts of the parish of Lambeth was raised by the pouring out of muriatic acid from these potteries. Therefore, he wished to know, Whether as the Secretary of State had been memorialized on the subject, any steps have been taken to protect the Victoria Tower from the effects of the smoke charged with muriatic acid which is continually poured forth from the low chimneys of the potteries in Lambeth, such effects being equally deleterious to buildings in the neighbourhood and to the health of the dense population living near the works?

THE DUKE OF ST. ALBANS said, the decay of stone in the Houses of Parliament had been for some time under consideration. The Government, however, had no information or evidence to show that the decay had arisen from the presence of muriatic acid in the air. Several experiments had been made, and eight were now under course of trial on the stone of the terrace, which was the same as that employed in the Victoria Tower. None had as yet proved that any external application would prevent the decay of the stone. A sum of money had been inserted in the Estimates for this year, and would be continued annually, for the repair of the decayed stone. The Office of Works had no power to interfere with the nuisance of the Lambeth potteries.

THE ARCHBISHOP OF CANTERBURY thought the Smoke Nuisance Prevention Act made it imperative on the Secretary of State to put down the nuisance.

THE EARL OF MORLEY stated that further inquiry was going on as to this subject, and if the most rev. Primate would repeat his Question on a future occasion he should be happy to answer him.

STATUTE LAW REVISION (NO. 2) BILL [H.L.]

A Bill for further promoting the revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary—Was *presented* by The LORD CHANCELLOR; read 1ª. (No. 217.)

STATUTE LAW REVISION (IRELAND) BILL [H.L.]

A Bill for promoting the revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary in Ireland—Was *presented* by The Lord O'HAGAN; read 1ª. (No. 218.)

House adjourned at half-past Eight o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 16*th July*, 1872.

MINUTES.]—SELECT COMMITTEE—*Report*—Diplomatic and Consular Services [No. 314].
SUPPLY—*considered in Committee*—*Resolution* [July 15] *reported*—NAVY ESTIMATES.
PUBLIC BILLS—*Ordered*—*First Reading*—Turnpike Trusts Arrangements* [256].
Committee—Public Health (*re-comm.*) [215]—R.P.
Committee—*Report*—Parish Constables Abolition* [97-255]; Basses Lights (Ceylon)* [234]; Church Seats [194]; Pawnbrokers (*re-comm*)* [233].
Considered as amended—Metalliferous Mines Regulation* [236]; Courts of Law (Scotland) Agents* [223]; Wild Birds Protection [247].
Committee—*Report*—*Considered as amended*—*Third Reading*—Mines (Coal) Regulation (*re-comm.*) [240], and *passed*.
Third Reading—Victoria Park* [232]; Grand Juries (Ireland)* [226]; Galashiels Jurisdiction Act Amendment* [225]; Consolidated Fund (£8,000,000), and *passed*.

The House met at Two of the clock.

TREATY OF WASHINGTON. TRIBUNAL OF ARBITRATION (GENEVA). THE INDIRECT CLAIMS.

ARGUMENT.

Copy *presented*,—of Argument of the United States delivered to the Tribunal of Arbitration at Geneva, June 15th 1872 [by Command]; to lie upon the Table.—North America (No. 12, 1872).

WATER SUPPLY (METROPOLIS).

QUESTION.

COLONEL NORTH asked the Secretary of State for the Home Department, Whether, considering the Report made to the Lambeth vestry on the 4th instant by Dr. M'Cormack, Medical Officer of Health for the Lambeth district, that on the 18th June he examined the water of the Lambeth Company, and also that of the Vauxhall Company, with results showing but very slight improvement in the water supplied by the Lambeth Company, and that the Water of the Vauxhall Company continued to exhibit the same degree of impurity as it did the previous month, some means cannot be adopted, either by fine or otherwise, to oblige the Vauxhall Company to furnish pure water?

MR. CHICHESTER FORTESCUE pointed out that the Board of Trade had no power to fine in such cases. If it were proved that a company furnished impure water or an insufficient supply, as in the case of Bermondsey, the Board of Trade could serve a notice upon it, requiring it to remove the cause of complaint, and if reasonable means were not taken to do so, the Board might then—but not till then—proceed in a Court of Law with a view to the infliction of penalties. In regard to the case mentioned, the evidence before him did not altogether tally with that contained in the Question. He had not seen the Report of Dr. M'Cormack, but he had before him that of Major Bolton, the Water Examiner of the Board of Trade, for the month of June—those Reports were furnished every month — which stated that on the 11th and 15th of that month the water of the Vauxhall Company was clear and bright, and that of the Lambeth Company clear but imperfectly filtered, owing to the filtering area being insufficient — a defect which the company was taking steps to remedy. The Report of the Registrar General (Dr. Frankland) for the same month stated that the Thames water delivered in London maintained the improved quality he had previously reported, and that all the companies, with the exception of the East London Company, were delivering clear and transparent water. The evidence before him, therefore, went to show that the state of things was better than the Question of the hon. and gallant Member implied.

POST OFFICE—POSTMASTERSHIP OF EXETER.—QUESTION.

Mr. BOWRING (for Mr. Mellor) asked the Postmaster General, If it be true, as stated in the "Civil Service Gazette," that the appointment of Postmaster of the city of Exeter has been given to a Post Office surveyor residing in the West Indies, who is to retain his colonial appointment and continue to reside in those colonies; and, if true, would he give the reasons for appointing a person to the said office who is not to reside in that city?

Mr. MONSELL: Mr. Bennett, who has been appointed postmaster of Exeter, was for many years Surveyor of the Post Office in the West Indies, having St. Thomas as his head-quarters; but there being less necessity than formerly for a resident surveyor, he was brought back to England, and, instead of being pensioned, was made Postmaster of Carlisle, from which place he has now been transferred to Exeter. In his present capacity —as was the case when he was at Carlisle—his services are available should it be necessary to despatch him to the West Indies to make a personal investigation; but it is seldom that such investigation is now necessary. Except on the rare occasions on which he may be sent to the West Indies, he will reside at Exeter, as he resided at Carlisle during the whole time he held the appointment of postmaster of that city.

Sir LAWRENCE PALK: Then Mr. Bennett might be required to go to the West Indies?

Mr. MONSELL: He might be required to go once, perhaps, in two or three years to the West Indies. It is occasionally highly necessary that the Post Office should send out some one.

PUBLIC HEALTH (*re-committed*) BILL.

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Hibbert.*)

[BILL 215.] COMMITTEE.

Order read, for resuming Adjourned Debate on Question [12th July], "That Mr. Speaker do now leave the Chair" (for Committee on the Public Health Bill).

Question again proposed.

Debate *resumed.*

Sir MASSEY LOPES, rose to move—

> "That, while fully admitting the urgent necessity for Sanitary Legislation, this House is of opinion that the power proposed by this Bill to be given to the central authority over local expenditure should be accompanied by some provision for contributions from Imperial resources in aid of burdens which being imposed for the benefit of the community at large, ought not to be charged on one description of property only."

The hon. Baronet said, he had listened with great interest and attention to the statement which had been made on the subject by his right hon. Friend the President of the Local Government Board on Friday last. That statement affected very materially the Motion which stood on the Paper in his name, and removed almost altogether the grounds on which his opposition to the Bill was based. For himself, he must state most emphatically that he never was adverse to sanitary reform; he was, on the contrary, most anxious to aid the Government in passing a good and just measure dealing with the question. Though a strong advocate for an equitable readjustment of local burdens—and here he felt he might speak for others as well as himself—he was not only unwilling to obstruct, but was most desirous to aid and assist all social improvements; and provided the mode of levying the necessary expenditure was just and equitable, he cared not how far we advanced in that direction, but he was strongly opposed to having an outlay which was intended for the general benefit of the community raised from one class and upon one description of property. The Government had practically accepted the principle embodied in his Motion, and the Amendments that stood in his name. He thanked his right hon. Friend (Mr. Stansfeld), more especially, for having conceded the moderate and reasonable proposition that he had made—namely, that half the expenses of the Medical Officers and Inspectors of Nuisances should be paid by the State; he further thanked him for having adopted the suggestion that he had privately made to him, that facilities should be given to the local authorities of obtaining loans from the Public Loan Commissioners for carrying out sanitary improvements. Complaints had, he might add, been made, and he thought very properly, of the very inadequate discussion which the Bill had received. There might be a reason for that, in the fact that the Royal Commissioners had exhausted the subject; but Blue Books did not make their way down into the country, and it was only by discussion in that House that the public generally could get information about the present measure. The Bill professed to be founded on the Report of the Royal Commissioners, and therefore it was desirable to ascertain what really were the recommendations of those Commissioners. In the first place, they recommended that all existing provisions relating to the subject should be repealed and consolidated into one comprehensive measure; secondly, that all sanitary Acts, which were practically permissive, should be made compulsory; thirdly, that there should be a fresh and improved organization of the parochial authorities, and that the central government should exercise a control over them; and lastly, they emphatically stated that, as the public health was of national importance, the Government ought to aid in providing the necessary expenditure, which should not be met by rates placed on one particular description of property alone. Now, how far had those recommendations been carried into effect in the present Bill? The Bill altogether ignored the first and most material recommendation of the Commissioners—namely, the simplification and consolidation of the existing statutes. They were 25 in number, 15 being general and 10 special. Those statutes were most conflicting and contradictory, and he defied anyone to understand them. All those statutes would still remain in force. The right hon. Member for North Staffordshire (Sir Charles Adderley), who had given great attention to this subject, was of opinion that the consolidation of those statutes was more important than any amendment of them, and that the addition of another statute would render confusion worse confounded. The President of the Local Government Board admitted that it would be just to give the local authorities a digest or code of those statutes, and on being asked to give the House that information of which they were very much in want, stated that it might be found in the Sanitary Report, but that was a document extending over 170 pages. With reference to the second and third recommendations of the Commissioners—that all sanitary provisions should be henceforth compulsory, and that the local authorities should be reorganized and placed under the control of the central authority—this Bill went a long way to carry out those objects, and might be considered by sanitary reformers a step in the right direction. With reference to these recommendations of the Royal Commissioners, the right hon. Gentleman stated that the Bill would not give any new powers to the Local Government Board; but that statement was not exactly correct. If it was, it would be the gravest condemnation of the Bill, because something was necessary to be done which was not done at present, and the Bill undoubtedly took powers to effect this; he could quite understand that the object of the right hon. Gentleman in making this statement was to minimize any claims for Imperial assistance. The 7th and 8th clauses of the Bill contemplated the making of the 25 permissive statutes to which he had referred compulsory, and the 10th clause made the provision of proper machinery and the staff compulsory. As soon as the Bill passed, the country would be divided into districts, and the appointment of Government Inspectors must take place; and this was taking a vastly increased power, for then all complaints would originate with the Inspectors and not, as at present, with the ratepayers. Whilst a measure was permissive the ratepayers could do anything or nothing;

but the Inspectors would have the power of ordering certain things to be done. The machinery that was optional before would be compulsory; power would be virtually taken from the ratepayers who found the money, and conferred on the central authority, who, except for these concessions, would have contributed nothing. Now it was optional with the rural district whether it would tax itself; hereafter it would be compulsory upon it to provide staff and machinery; the Government Inspectors would direct and control both, and the local authorities would be obliged to carry out all regulations and orders at the bidding and to the satisfaction of the central authority. He admitted that very many of the objectionable powers proposed to be conferred on the central authority had been omitted in the amended edition of this Bill. The powers now taken were not so patent or prominent, they were kept more dark and were not particularized; but they were contained in these numerous statutes which would all now be brought into action—they were implied, and would be exercised. With reference to the expense of carrying out sanitary legislation, the Royal Commissioners expressed very strong and decided opinions, and as their recommendations would carry more weight than any arguments of his, he would quote them. They said—

> "It seems desirable that the State should aid the local interests in securing efficient sanitary administration. It is a matter of Imperial importance. Admitted, with regard to some of the principal purposes for which a rate will be imposed, its incidence on real property will be peculiarly fitting; but, as regards others of those purposes, it may fairly be questioned why the expenses of benefits so general should be borne exclusively by the taxation of real property. Local expenditure should be relieved by grants from the Imperial Exchequer. In any degree in which an amended health law may lead to greater expenditure by an improved system of inspection, and imposing greater medical supervision and securing further medical aid, or by any other measure not purely or necessarily local in its origin or effect, it seems expedient and just that the localities should receive assistance from the State. That local health taxation was inseparable from the larger question of local taxation generally."

It would be impossible to estimate the increase of local burdens or the expense to which the local boards would be put in carrying out this measure. He was sorry the hon. Member for North Devon (Sir Thomas Acland) was not in his place, because he might have appealed to him on this point, on which he had written an able article. That hon. Gentleman had constructed a new village, and had brought into operation some of the most improved sanitary reforms. He had expended £700 on sewage alone, which was equivalent to a rate of 1*s.* in the pound, and had provided a water supply at a cost of £300—making together a rate of more than 1*s.* 6*d.* in the pound. Those expenses were heavier in rural than in urban districts. In urban districts there were local bodies and a staff of officers, and a more central and economical administration could be carried out, and only one medical officer and one Inspector were required; but in rural districts officers and Inspectors would be required, and the machinery must therefore be more expensive. The duties of those officers could be spread over a wider district, and they must be provided with some means of locomotion. The late President of the Poor Law Board, in the Local Taxation Returns which he had laid before the House, had stated that in the urban districts the payment was 4*s.* in the pound, whilst in the rural it was only 2*s.* 9*d.* It was true that the Poor Law proper charges were 1¾*d.* less than in the urban districts; but the improvement rates, which were for sanitary purposes, had made the difference, and there was no security that in the country those rates would not run up to the same amount. Then what was the boon offered both to urban and rural districts by this Bill? The only boon offered was in the shape of loans. He had himself suggested this scheme to the right hon. Gentleman, and was very glad that his suggestion had been accepted. No doubt, the granting of loans was a great boon. In towns large works might be carried on, and a large expenditure incurred, in such cases loans would be most valuable; but in rural districts the works would have to be spread over large spaces, and although the granting of loans was a great concession, they would not do so much good in the country as in the case of large towns. There were cogent and unanswerable reasons why some State assistance should be given to local authorities in consideration of the vast expenditure contemplated by this Bill—first, because public health was a matter of Imperial importance and for the benefit of the community at large; and, secondly, in consideration of the power and control which would be practically taken from the local authorities and conferred on the central. He would ask, would sanitary reform benefit only one portion of the community? Would its advantage be national, or purely local? Why was it called a "Public" Health Bill? They were told "public health was public wealth." Surely, then, public wealth ought in some measure to guard, protect, and provide for it. Were sanitary precautions taken to protect persons or property? If persons, why should only one class contribute towards it? Dr. Simon told them that, in consequence of deficient sanitary administration, the rate of mortality was higher, and that so many thousand persons died prematurely. Was that a national loss or not? If cholera or any other epidemic visited them, would those diseases confine themselves to the owners or occupiers of real property? Surely they were no respecter of persons. The fund-holder and the capitalist was equally liable to them. Lastly, he would ask if public health was not a matter of public interest, how could they justify this State control and interference? He admitted that they had no right to ask the Government for assistance in respect to sewerage and water, for those were local matters and special expenses. But with respect to common charges or general expenses they had a fair claim for assistance. A precedent had been set in the payment to Poor Law medical officers, and he did not see why it should not be followed in the case of sanitary officers. Independent of this material relief to ratepayers, he thought this principle of State contribution—of dividing the expenses—where the objects were both local and national, was a most sound and salutary one. It was a great check and safeguard against wanton and reckless expenditure on the part of both the State and ratepayers—neither party would advocate any questionable outlay. What was the chief reason that sanitary legislation had been hitherto neglected in the rural districts? There was a natural reluctance on the part of ratepayers to tax themselves permissively when the expense would fall entirely on the narrow and unfairly burdened area of real property, and would thus aggravate present injustice; and this feeling had retarded many social improvements. When all power of remonstrance in certain matters was taken from the ratepayers, and the Inspectors had the power of ordering whatever they thought proper without waiting for a requisition on the part of the inhabitants, he thought a portion of the expense ought to be borne by the public Exchequer. He had a strong opinion that they ought not to have gone into the Public Health Bill until the question of local taxation had been settled. He had remonstrated; but his remonstrances had been almost futile. He had protested against the education rate; but he was told by the right hon. Gentleman at the head of the Government to wait till they got to the question of local taxation. So also he had protested against the charge for vaccination when brought forward by the Vice President of the Council, and he was met with a similar reply. Early in the Session, when he brought forward the question of disallowances for criminal prosecutions, it was admitted that he had made out a strong case indeed; but again he was put off by being asked to wait until the question of public prosecutors was dealt with. If the Government had not conceded his proposition that a moiety of the salaries of medical officers and Inspectors to be appointed under this Bill should be paid by the State, they would have contravened the letter and the spirit of the Resolution which was passed by an overwhelming majority of this House on the 16th April last—namely—

> "That it is expedient to remedy the injustice of imposing Taxation for National objects on one description of property only;"

and though it was true that this Resolution particularized three objects only, it was not confined to them, but was intended to be of general application; and that House would have stultified itself if it had allowed the whole of those charges to be imposed on real property only. He regretted that they were not able to survey this measure of sanitary reform as a whole, and that, to a certain extent, they were legislating in the dark—they ought to have been able to see at once what they were going to do, how they were going to do it, and how they were going to pay for it, instead of adding one more statute to the chaotic and incongruous mass that already existed. The Royal Commissioners had sat four years, they had not only recommended a policy, but had drafted a Bill to give effect to it. That policy was a comprehensive and intelligible one—it was a wise and just one—and if their recommendations were adopted as a whole, he thought there were few Members in that House who would not be prepared to endorse them; but if they were going to deal with this vast subject by piecemeal legislation, he was afraid that they would pass a measure that would not reflect the same credit on the Government or fulfil the just expectations of the people. On the principle, however, that half a loaf was better than no bread, and in consideration of the concessions which the Government had made to his proposals, he should be unwilling to take upon himself the responsibilities of obstructing sanitary legislation, and therefore would beg leave to withdraw the Motion that stood in his name.

Mr. PELL said, there was one point which the hon. Baronet had omitted to mention, and that was that instead of one Bill the House had really had three Bills before them on this subject this Session; first, the original Government Bill; then, the Bill of the right hon. Member for North Staffordshire (Sir Charles Adderley); and now, the Bill of the Government in an amended and shorter form; and yet there had not been any general debate on so large and important a question. The present Bill, though it was considerably shorter than the original Bill of the Government, was one of vast importance, and would require study to master its details, which embraced no fewer than 20 subjects, and contained provisions of which the country knew very little indeed. He was glad to hear that the Amendment would not be pressed to a division, and he joined with the hon. Baronet in thanking the Government for the concession they had made on the subject of expenses; but still he did not think that the concession went quite far enough. But after all the Bill might prove to be only a provisional one.

Mr. VERNON HARCOURT wished to say a word with reference to the aspect of the question as it affected borough populations. The view which the boroughs took of the question was somewhat different from that which was stated by the hon. Baronet opposite (Sir Massey Lopes), who had enunciated the doctrine—"You may govern us as much as you please, provided you will only pay for it," and who spoke of placing the management of sanitary affairs in the hands of a central department. Now, if that were the object or the result of the Bill—which he did not believe it to be—it would meet with very great opposition from the borough populations, because those boroughs which possessed well-constituted local authorities, desired that their independence should be respected, and their responsibility maintained, and the more they were interfered with the more their efficiency would be weakened. He hoped there was no intention to invade the independence of the existing local authorities in boroughs, but that they would be left free and unfettered in the exercise of their discretion, and armed with such additional powers to be exercised on their own responsibility as might be thought necessary. As to the question of expenses, a communication from his own constituents told him that they would prefer paying all their officers, and to have full control over them. If the local authorities in boroughs were willing to bear the cost of their own staff they should be left as much as possible to their own responsibility, and be free from the interference of any central authority. In most boroughs the authorities already constituted were perfectly able and willing to do their own work.

Lord ROBERT MONTAGU said, the right hon. Gentleman (Mr. Stansfeld) had informed the House that, owing to the lateness of the Session and stress of weather, he had had to lighten his ship in order to bring it into port; but in lightening his Bill he had thrown overboard the valuable cargo and left only the refuse and the ballast. The Bill had been a long time before the House, but the second reading was taken at a time when few Members had returned from their Easter holidays, so that there had been very little discussion upon it. The faults found with the Bill throughout the country, however, were that it failed to establish one single authority for sanitary matters throughout the country, and that the various sanitary authorities which it proposed to establish were of a bad description, and would be found in practice to be useless unless governed by an intermediate sanitary authority between them and the central Government. It would be acknowledged when the subject came to be duly considered that the only sanitary authority which would be efficient would be an authority which was of the same description in every part of the country —an authority of a high class over the various local authorities, but not so central as Parliament—that was to say, having more local knowledge than Parliament —an authority whose area should in every case be co-extensive with the evils which had to be remedied. It was on this point that he had dissented from the Report of his brother Commissioners. The Report of his Committee in 1864 had, nevertheless, been unanimous on the point; and he had brought in a Bill in 1865 to carry it out. The question as to the sanitary authority was a question as to area. If the parish were to be the unit, then the union must be the larger area, and the Guardians would be the authority; but if the unit were the Petty Sessions district or the Highway district, then the county would be the larger area, and the Quarter Sessions, or a County Board, would be the authority. But if the Guardians were to be the sanitary authority, then the county could not be the area of the intermediate authority; because the two were incommensurate, and their areas could not be made to coincide. There was, moreover, no ground in reason, as he would presently show, for intrusting the management of a river to a county authority. The Bill before the House did not provide for an intermediate authority, and the local authorities which it constituted were as follows:—For the urban districts, Town Councils, or Improvement Commissioners, or a Local Government Board; for rural districts, Boards of Guardians. Now, the urban authorities were the worst possible, for Town Councils were themselves the greatest offenders, as they polluted all the rivers with sewage, while the manufacturers who sat in those councils ran all their manufacturing refuse into the rivers. As for the Boards of Guardians, the Royal Sanitary Commissioners were unanimous in not recommending them as the sanitary authority in rural districts. The Commissioners proposed that only Guardians who should be elected for three years, instead of for one year, should be the sanitary authority; but the weight of evidence was against even that recommendation, except on the condition that an intermediate authority should be placed over them. It had been amply proved that the Guardians failed to do their duty, and only cared to reduce the rates. Moreover, no one had ever succeeded in making them do their duty. The case of the St. Pancras Guardians was a historic monument in support of that proposition. The Government was, in fact, impotent against both Town Councils and Boards of Guardians, because the Government feared the odium of a collision, which might, indeed, prove dangerous to the State. It was on that ground that Mr. Tom Taylor, the Secretary of the Local Government Board, and one of the highest authorities on these subjects, favoured the proposal of an intermediate authority, which he termed a "buffer," between the central and the local Governments. This word "buffer" designated a large, independent, and influential body, which would be able to compel the local authorities, and which would cause no danger to the State if it should come into collision with the local authorities. It designated a body not so central as Parliament, and, therefore, possessing more local knowledge than Parliament, but yet with less prejudice and less narrowness than Town Councils or Boards of Guardians. Local knowledge was very necessary, because localities differed so much that Acts of Parliament had to be made very general; and then if there were not a legislative body to apply them to the localities, the Acts of Parliament must remain inoperative. There were two maxims which he thought ought to govern all such questions. The first was, that the affairs of a body of people must not be left to the enterprise of a few persons, whether corporations, or companies, or individuals, but must be managed by general action—namely, by agents responsible to the whole body; for persons sought only their own good and not the general advantage. In other words, the area of the ruling authority must be as large as the extent of the evils to be remedied. The second maxim was that those agents should be responsible only to the persons concerned —that was to say, the area of the ruling authority must not be larger than the extent of the evils to be remedied. If the authority were too high, or, in other words, if the area were too large, it would have too little local knowledge and interest; while if, on the other hand, it were too low, as in the case of Town Councils, it would be subject to local prejudices and selfish interests. Moreover, when the authority was too high, the responsibility would be diluted by a multiplicity of questions coming before it which concerned only some of the people and not others; or, to put it differently, the interest of the whole body of people in the acts of the ruling authority, would be too slight. Whenever bodies were far asunder—as Parliament was from Town Councils—there was always a want of community of interest and co-operation between them; and then if the initiative rested with the towns the effect would be sporadic—some towns would take action, and not others; while if the initiative rested with the central government—that was to say, if there were a supervising government—the towns would be quite apathetic. These maxims had been forced upon his attention when he had to deal with the cattle plague; and the results of his efforts, in various directions, to stay that plague, had left no doubt on his mind of the truth of those maxims. The result of this reasoning was that all the affairs of the watershed or river basin should be left to a Watershed Board, thus relieving Parliament of all special legislation; and that the English Parliament should attend only to those affairs which related to the whole of England. There were many persons who desired to put a County Board in the place of a Watershed Board, but this would not do; it was impossible that it should work. Two examples would be sufficient to prove that. Take, for example, the pollution of rivers by sewage. London had spent £6,000,000 to carry away its sewage, and yet it had to endure the pollution of the river by the towns higher up. The town of Salford offered to expend £80,000 to defecate the River Irwell, if Manchester and the towns higher up would do the same, but they refused. There was evidently a want of unity of action over the whole river basin. Every town and every person felt the injury, and yet assisted the evil, and the one that desisted from committing the injury received no reward. The landowner who obtained an injunction against a city for running its sewage into the river himself ran the sewage of his own house into the same river or its tributary. Every manufacturer desired to obtain pure water—one calico printer had given evidence that he would save £3,000 a-year if the river were pure. Yet every manufacturer polluted the stream for those below him. Every village and every house polluted the river or its tributaries; and yet they all cried "Shame!" and demanded pure water. What was wanted, then, was unity of action. What was required was that the towns higher up should undertake expensive works for those lower down. The question was indivisible for the whole river basin; for the water of the tributaries was the water of the river. Every town, therefore, must have an authority to protect it from the towns higher up, and to compel it not to injure the towns below. Look at another example—solid refuse. Every manufacturer, every gardener, shot his rubbish into the stream. Every flood carried it a little lower down the river. The bed of the river was thus raised. Indeed, it was given in evidence before the Commission on the Pollution of Rivers, and before the Committee of 1864, that the beds of the rivers in Lancashire and Yorkshire were raised on the average two inches a-year. Thus the water level in the surrounding plains was raised, the drains ceased to run, the land became water-logged, evaporation, fogs, and miasmata were increased, and the soil became cold and unproductive. This was a great sanitary question, for, as the medical officer of the Privy Council had shown in his ninth and tenth Reports, consumption varied with the sodden condition of the soil. In order to stop evaporation, the water level in the surrounding plains should be four feet below the surface. To obtain that result there must be arterial drainage—the drains of one district being carried into the district lower down, in order to obtain a fall. Thus the river basin must be dealt with as a whole. Arterial drainage was watershed drainage, and it was necessary for health. Thus unity of action over the whole watershed or river basin was absolutely requisite to obtain sanitary amelioration. Then they might have such sanitary authorities as Town Councils, Improvement Commissioners, Local Government Boards, and Boards of Guardians; but without such an authority these local authorities would not do their duty; and who would compel them to act? The hon. and learned Member for Oxford (Mr. Harcourt) said the central Government would do so; but the exigencies of party Government prevented any such proceeding? Were the Courts of Law to do so? The rapid growth of these evils proved the inadequacy of the Courts of Law to deal with the question. Town Councils would not prosecute each other, because none of them could go into court with clean hands; and manufacturers would not prosecute, because they, too, were all sinners in this respect, and could not throw the first stone. The central Parliament had proved itself powerless to use compulsion. When the Mersey and Irwell Purification Act was passed, in 1863 or 1864, everybody said it was a most stringent and despotic measure; but it had not been enforced—it had remained a dead letter, because there was no one to compel its enforcement. He believed there had not been a single conviction under that Act. [Mr. HIBBERT said, there had been several convictions.] They must have been very small ones, for they were never mentioned to the Commissioners. In order to compel the local authorities, there must be a Court having jurisdiction over the whole area of the river basin, whose interest it would be to stop the existing evils. A Watershed Board, by its very nature and constitution, was calculated to do this. The representatives of the towns lower down would combine to prevent a town higher up from running its sewage into the river; and the towns higher up would combine to compel the authorities at a lower level to carry out arterial drainage. He believed they would never have sanitary amelioration except by a provincial institution of that kind; and he also believed that this Bill, so far from promoting sanitary amelioration, would, without provincial Parliaments, stand in the way of it. He had given notice of some Amendments; but a private Member could not do much, and the matter should, therefore, be left in the hands of the Government. He would not now enlarge on the effect which these provincial Parliaments would have on the country, by educating it for self-government, and marking out those who were qualified for higher posts of rule. Still less would he allude to the purifying effect which it would have on the House of Commons if all local jobs were delegated to local Parliaments. He would only say this—That which he had suggested was the only policy of *Sanitatis sanitatum* which was worthy of adoption, and which would cause any sanitary amelioration. It would induce towns to desist from doing that which was injurious to health; and thus, while it benefited the country at large, by affording a means of education in self-government, and by raising the House of Commons to the dignity of the ancient Privy Council;—it would also benefit individuals by purifying the rivers, by decreasing consumption, and by a general sanitary improvement.

MR. GOURLEY protested against the statement of the noble Lord that Town Councils had neglected their duty with reference to the cattle plague, and argued that if representatives of the people, like members of Town Councils and Boards of Guardians, were to be accused of pursuing a selfish policy, the same imputation might be cast upon Members of that House. He, however, should be sorry to sit there as representing private or selfish interests, because he believed hon. Members were sent to that House to promote the public good. He trusted his right hon. Friend (Mr. Stansfeld) would not be deterred by adverse criticism or objections as to financial policy from proceeding with the Bill, which he considered to be far more important to the people of this country than any principle of either Imperial or local taxation. If Parliament delayed the passing of this Bill, it would have to bear the whole responsibility of any future epidemic. The evils of defective sanitary arrangements had been experienced last autumn in Scarborough and Sheffield and other places. This Bill sought merely to impose upon the local authorities the duty of carrying into effect existing sanitary Acts, and when once responsible authorities had been established in ports, towns, and rural districts much of the present danger would be avoided. To defer legislation upon this subject would be disgraceful to their common Christianity and the civilization of the country.

SIR LAWRENCE PALK regretted that his hon. Friend the Member for South Devon (Sir Massey Lopes) had accepted the offer made to him by the

Government, because he believed those who had to bear the burden of this Act would have reason hereafter to deplore, as county Members had deplored before, that they had ever entered into partnership with the Government. He wished to point out that with respect to rural districts this Bill would require Boards not qualified for the work to construe numerous difficult Acts of Parliament, and also to find the means of putting them into execution. One of those Acts was the Labourers' Dwellings Act, and by that and other measures the local authorities would have power of shutting up any house that might be deemed unfit for human habitation. So far as he was aware, there were few of the labourers' cottages in this country which would bear the examination of sanitary Inspectors, and it was a well-known fact that there was a great want of accommodation for the rural labouring population.

Mr. STANSFELD said, the hon. Baronet was under a misapprehension, as the powers of the Artisans and Labourers Act were handed over to the urban authorities.

Sir LAWRENCE PALK observed, that at any rate if the Bill was free from that act of commission, it was still most objectionable for its faults of omission. Year after year they had been promised Bills which should decide the great question of the outfall of sewage, consolidate existing Acts in such a manner as to make their operation more simple, and deal with the sanitary state of the rural as well as the urban population. Yet this Bill did not even recognize the great want of means for improving the dwellings of the labouring class. He, for one, should have been glad if this Bill had given power to shut up such houses as were unfit for labourers' habitations, and also provided facilities for landed proprietors to participate in the benefits which this Bill proposed to confer upon the urban population. He trusted that the right hon. Gentleman would bear these points in mind next year. He could not but regret that this mutilated portion of the Bill was the only part of the measure they were permitted to discuss. So far as the rural districts were concerned, the machinery provided by the Bill was cumbrous, heavy, and expensive. He agreed with the noble Lord the Member for Huntingdonshire (Lord Robert Montagu) in thinking it necessary that more power should be given to local authorities, and less to the central Board in London. He was convinced that before many years had passed the Board in London would put their hands deeply into the pockets of the ratepayers in rural districts, and compel them to carry out fancy regulations quite unsuitable to the circumstances of the labouring classes. With regard to the urban population, the Bill was meagre, disappointing, and insufficient. Altogether it was hardly desirable, at this late period of the Session, to discuss the Bill in the manner in which it would be discussed if it was proceeded with. He regarded the Bill with the greatest possible suspicion, and thought the country would lose nothing if it was postponed until next year, when a more perfect measure might be introduced.

Mr. HIBBERT remarked that it was difficult to satisfy hon. Members when some of them thought the Bill went too far and others considered that it did not go far enough; but he was sure that if a measure containing 100 or 200 clauses for the consolidation of existing Acts had been laid upon the Table, all would have agreed in saying that it was impossible to consider such a Bill at this time of the year. The Bill had been cut down to provisions establishing machinery for carrying out sanitary laws in urban and rural districts, and it did not impose, as the hon. Member for South Devon (Sir Massey Lopes) seemed to imagine, any new duties, with the single exception of compelling urban and rural authorities to appoint an officer of health, as recommended by the Sanitary Commission. His right hon. Friend (Mr. Stansfeld) had made a concession with respect to the payment of one-half of the expenses of that officer; but he (Mr. Hibbert) trusted the central authority would never undertake to pay the whole of those expenses, because by so doing it would undermine the whole system of local self-government. The existing sanitary laws were four in number—the Local Government Act—under which the local boards throughout the country were formed—the Nuisances Prevention and Removal Act, the Act for the Creation of Improvement Commissioners, and the Utilization of Sewage Act. At present there was one authority to carry out the Utilization of Sewage Act, and another—the Board of Guardians—to carry out the Nuisances Removal Act; and the Bill would remedy that defect by vesting the whole authority in one local board—a change which would, he thought, be very advantageous. The right hon. Member for Oxfordshire (Mr. Henley) said the other day that this Bill was "nothing but a muddle;" but he (Mr. Hibbert) thought that if things had been left as they were, they would still be in a state of muddle. When this Bill became law he believed it would operate beneficially, and would be received with satisfaction by all classes in the country. It was said that this Bill would impose fresh expense; but how was it possible to frame a sanitary organization without that? Increased rates had been laid upon towns to secure sanitary arrangements, and when these had been carried out their property would be found to be of the highest value. He believed that by passing this measure into law they would be taking a great step in advance, and this might lead to a further consolidation of the law in the future.

COLONEL BARTTELOT despaired that the right hon. Gentleman at the head of the Government would ever know how to manage that House, for it was absurd, when he knew the importance of such a Bill, that they should be discussing the measure, on this stage of it, at such a time, instead of its having been taken at a period when those most interested were enabled to be present and assist at the discussion, and when the various clauses might then have received proper attention. Yet they were now called upon to pass this most important measure, affecting the health of the people, in the middle of July, when it was impossible to discuss the question properly before a weary House. He supposed the right hon. Gentleman thought he must endeavour to carry out the whole of the measures which were named in the Queen's Speech. If it could be shown —and he should appeal to his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) on this question—that this measure would benefit the people of this country even in a small degree, he should be glad to help in producing such a result. The maxim *Sanitas sanitatum, omnia sanitas* had been placed before them; but they had not even now the first measure of the Government upon this subject complete. No doubt it contained many well-drawn clauses, which would have met with hostility from Gentlemen below the gangway; but he must say, with all respect, that when these provisions touched the great moneyed interests, those Gentlemen were not prepared to sacrifice their rights and privileges to what would be conducive to the welfare of the people. He appealed to the hon. Member for Waterford (Mr. Osborne), who was for equal legislation for England, Scotland, and Ireland, what he thought of the exclusion of the two last-named countries from the benefits of this legislation? He had considered this matter very carefully, and had made many inquiries on the subject. Whenever he had asked Boards of Guardians if they would have the management of the Public Health Bill, the answer was, that they would rather have nothing whatever to do with it; but when he had asked if another body was to administer the funds, the case was very much altered, and they seemed to prefer to retain in their own hands the administration of the funds. He protested against the Local Government Boards interfering in matters beyond their province. He hoped the right hon. Gentleman at the head of the Government would be prepared hereafter to consider the question in a wider spirit. He wished to state distinctly and clearly that he did not want to be handed over by this Bill to the hands of the doctors, who in other respects, he admitted, performed great services. He did not want to see a great Medical Board established, composed of men with high salaries, acting without regard to law when sanitary matters were involved, and also without regard to expense. He ventured to hope that, when they went into Committee on the Bill, care would be taken to establish proper control over the local medical inspectors, and that they should not be appointed for life, but for a term of three, four, or five years, and that the appointments of medical officers should be similarly regulated. A great meeting had been held at Reading on this subject, and the feeling was unanimous upon this question of a controlling power. By the course he proposed no injustice would be inflicted on any of these gentlemen. He had recently had placed in his hands a notice from Plymouth, conveying the wish that the word "may" should be substituted for "shall," and thence also came the expression of opinion that they had not the control which they ought to possess. If there was one grain of good in the Bill, it was right it should proceed. If it passed, he hoped it would do good. If the Bill did not pass, he hoped it would be clearly understood it was not because they in any way objected to sanitary reform or improvement; but because the Government had not chosen to bring that important subject at a sufficiently early period before the House to enable them effectually to deal with it.

Mr. C. S. READ said, he thought it would have been ungracious in his hon. Friend the Member for South Devon (Sir Massey Lopes) if he had persisted in his Amendment and divided the House on the present occasion. The hon. Member for East Devon (Sir Lawrence Palk) said he had entered into partnership with the Government; but he rather thought the Government had, on the other hand, gone into partnership with him and other local taxation reformers; for they had assented to the Amendments of his hon. Friend, which, however, they could not well avoid without stultifying the vote given in last April by the House. He desired that this should in no sense be made a party question, which it could not be unless it was stretched to the utmost. But in accepting this measure it must be remembered that all the concessions made applied to something entirely novel, and not to that great amount of arrears which, as local taxation reformers, they were entitled to. One of the best provisions in the Bill was that by which the local authorities would be allowed to borrow money at 3½ per cent for their improvements. He was glad that was to be retrospective. In sewerage works already £10,000,000 had been expended by the urban authorities of this kingdom, and last year something like £1,200,000 had been so spent. He hoped the Government would extend the power of borrowing money at 3½ per cent to lunatic asylums, for which he and his hon. Friend the Member for Norwich (Mr. Colman) had so earnestly contended. He entirely agreed with his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot) as to the payment and control of officers; for he was sorry to say that every measure passed gave greater power to the central Government in London; but he did not dread a board of doctors half so much as he did an army of sanitary engineers.

Mr. STANSFELD said, he had every reason to thank the House for the favourable and friendly consideration they had shown in consenting to go into Committee on this Bill. There were one or two points on which he might be expected to say a few words; and the first was as to consolidation. He had always stated distinctly that it would be a great and important work to consolidate the various Acts; but it did not follow that the moment when they took new powers and constructed new machinery was necessarily the best time for consolidation. He knew it would be folly—a "vaulting ambition" that would "o'erleap itself," if he pretended to introduce a consolidating measure. Events had justified the exercise of prudence and moderation on his part. He had also come to the conclusion that it would be unreasonable at this period of the Session to ask the House to give their assent to this measure in the shape in which it was originally introduced. He, therefore, thought if he reduced the Bill he should make a clean job of it, and relinquish the idea of obtaining new powers and confine himself to that part of the Bill—a highly important part—which constituted new local machinery and distributed the powers and responsibilities under existing statutes among those authorities. That was really the purport of the Bill; it was very simple. It contained 17 or 18 clauses which consolidated the local authorities; and there were other clauses for the conferment of special authority for special objects, such as to alter and unite districts. He had asked the noble Lord (Lord Robert Montagu), who had now left the House, whether he had not overlooked Clause 23, and the noble Lord candidly admitted that he had. Power was given them to unite districts by provisional orders. He had already stated to the House that he had in preparation a Digest which would enable the local authorities to do their work without difficulty, and when this Bill was passed he should soon take the opportunity of making it public. It was hardly correct to speak of new powers conferred by this Bill; the only new power conferred was that of compelling local authorities to appoint medical officers of health. It was true the Bill gave urban authorities powers and duties prescribed by the Local Government Act, and dealt similarly with Boards of Guardians in reference to powers and duties under the Nuisances Removal and Sewage Utilization Acts; but it was a mistake to suppose that in the Bill as it stood the word "may" was in any case changed into "shall." It was true that some simplification of the local authorities, and the distribution of existing legislation among the sanitary authorities, would amount to an increased pressure upon them to discharge the duties which legislation laid upon them. And it was right in itself that increased pressure should be brought to bear. As to the construction of the authorities, he would show very shortly the methods by which he had arrived at the propositions which had been placed in this Bill. The House knew that his propositions were the propositions of the Sanitary Commission, and when considering the construction of local authorities it had always to bear in mind that the first question to be asked was—what was the proper unit of administration? Now, he had approached the question in this way—As far as the urban authorities were concerned, although some men might hold the opinion that local government in urban districts was liable to abuse—but all institutions were liable to abuse—yet he did not think that anyone could ask the adoption of a different unit in the urban populations from those natural units of the existing urban local governments. He did not see how it could be argued that a population which had arived at municipal government was unfit for the exercise of sanitary powers. He did not see how anyone could suggest the abolition of those local boards which had been created upon the motion of the urban populations themselves. With reference to rural authorities what Government had done was this—They had found two administrative units, and much confusion from the existence of these two rural authorities. They had found vestries which meant simply the inhabitants of each parish, and they had found an authority under the Sewage Utilization Acts and an authority under the Nuisances Removal Acts. What the Bill did was neither more nor less than this—to say that the parish was too small a unit, and to transfer from the parish to the Board of Guardians the powers and duties conferred and imposed by the Sewage Utilization Act. Then, the parish being too small, they came to the union, and the more he looked into it the more he had become convinced that it would be unwise to disregard existing burdens and local institutions in the hope of finding some ideal theory as to the distribution of areas into which the country might be ideally divided for sanitary purposes. They had to think not only of the area but also of the machinery, and they adopted the Board of Guardians as the existing authority, and the union as the unit of area, because it was a larger area than the parish. He had also addressed himself to the question whether a larger unit would not be advisable. He was satisfied that the union was the largest practicable unit for sanitary administration. For instance, they were in the habit of talking about sanitary administration as if it depended on the construction of large works—works of sewage and works of water supply. He denied that that was an accurate understanding of the work of sanitary administration in the country. What appeared to him to be an ampler and much more important work was the selection of the sanitary officers, and supervision and inspection for the prevention of sanitary nuisances in every village and hamlet in this country. For this work the Board of Guardians by its constitution was eminently fitted. The work was not work for a county Board, even if a county Board could be constituted immediately, nor was the county a fit unit. He had provided in the Bill for the extension of districts and for the union of districts, so that there were powers under the Bill to constitute watershed authorities, or to constitute for sanitary purposes county Boards. The boundaries of unions and parishes did not absolutely coincide with the boundaries of counties. Before they could create a system of county Boards for sanitary purposes, for other administrative and for other financial purposes—which was a measure for the future, and one that he would be delighted to undertake—it was necessary by some means to harmonise those boundaries, because the smaller authority of the parish or the union, or any portion of its work, could not possibly be put under the control and under the management of a larger authority, which did not take in the whole of the smaller authority which it had to control and assist. He had looked at that question with every desire to deal with it this Session if possible; and he had come to the conclusion that he could only deal with it by the method in the Bill, by a provisional order relating to each case as it arose, awaiting in the meantime the possibility of a general scheme. He wished to say a word also about the expense. His view of the increase of expenditure which might follow from this measure was this—The hon. Baronet the Member for South Devon (Sir Massey Lopes) had stated very candidly, as to sewage works, water works, and he might have added gas works, that they were matters of local interest, and furnished no sort of claim on the Imperial Revenue. But he omitted to remark—and the same omission had occurred in the speech of everyone who had followed him in this debate —that after all these were the heavy items of expenditure which had caused the rate per inhabitant in the towns to exceed the rate per inhabitant in the country. When they came to the expenditure common to the towns and country they would find that so far as this Bill was concerned it did not, and would not, impose any additional burdens, except so far as it brought increased moral pressure to bear upon the enforcement and administration of sanitary laws. The expense incurred under the Bill would consist mainly in charges for the salaries of medical officers, inspectors of nuisances, and other officers. As to the power of borrowing from the Public Works Loan Commissioners, this must be accepted as clear—either that this Bill would not impose any considerable additional burden upon the rural districts, or that if it did, or where it did, the rural districts would have precisely the same privilege of borrowing as would fall to the lot of local government boards in towns. The hon. and learned Member for Oxford (Mr. Harcourt) had made an appeal to him with reference to local government boards in boroughs. His hon. and learned Friend had assumed quite truly that the theory of the Bill was not one of centralization; but its object was to leave, as far as possible, all the action in the power of the country. The same hon. and learned Gentleman had also referred especially to the clause relating to the appointment of medical officers of health, and had suggested that if local bodies were prepared to pay the salaries of their own officers, they should have the independent power of appointing and dismissing them. He wished to point out to his hon. and learned Friend that the view he advocated was entirely met by the addition he should propose to make to Clause 10. This addition was to the effect that the Local Government Board should have Poor Law powers in the case of officers of the sanitary authority, any portion of whose salaries was paid out of money voted by Parliament. Therefore, when the Committee accepted the addition, the Local Government Board would be empowered to act in partnership, so to speak, with the local authority when the local authority chose to accept Imperial funds, but not in any other case. The hon. and gallant Member for West Sussex (Colonel Barttelot) had appealed to him also in reference to that clause. He objected to the construction of a great hierarchy throughout the country to whom all sanitary considerations should be handed over, and who, in his opinion, would not be likely to take a common-sense view of affairs. Now, he had no such intention, and it was well known that he had no such intention, for he had had many discussions with medical men on the subject, and had not always agreed with them. He had no intention of committing the whole sanitary administration of this country to medical men. It would not be acceptable to the country, and it would not be acceptable to himself. After all, what were all those matters of sanitary protection and administration which he hoped would be taken advantage of? They were cleanliness and purity; and they did not want medical men to effect that, or to determine the conditions of buildings which every man of common sense knew to be necessary for the health of himself or anybody else. But there were many matters in regard to which we required professional advice. For example, if fever broke out in a village it might be necessary to convince the inhabitants that it was the result of certain causes which they had not before clearly understood. Therefore, there were abundant reasons why there should be some organization for the appointment of medical officers of health. The hon. and gallant Gentleman seemed to imagine that the medical officers would be appointed for life; but he could assure him this would not be so, for it was most desirable that in the initiatory proceedings under this Bill we should advance tentatively, and not commit the House or the country to life appointments. This measure had been carefully prepared and closely studied by himself and his hon. Friend beside him (Mr. Hibbert), and when it was in Committee he should be quite ready to answer any objections which might be raised against the various clauses.

MR. DISRAELI: Sir, before the House proceeds to a division I wish to express my hope that it will consent to go into Committee on this Bill. The merits of this measure are not to be estimated by comparing it with any large and adequate measure of sanitary legislation, consolidating all the existing powers and constructing new ones, which at the commencement of the Session, if the Government had made up their mind to direct their principal energy to the treatment of such a measure, no doubt might have been carried. But the question we have to ask ourselves is this, whether the sanitary legislation of this country will, if this Bill passes, be more efficient than it is at present? That really is the practical question; and I cannot but believe that every candid man—whatever may be his expectations as to the future treatment of the question, or whatever were the hopes in which he may have previously indulged on the subject—must admit that the sanitary condition of this country will be more satisfactory than it is at present if this Bill passes. Now, I think, considering the public requirement of the country on this matter, and the strong convictions of those most competent to guide public opinion on this important question, we should undertake a grave responsibility if, under such circumstances, we did not agree to the passing of this measure. I confess there was one great obstacle to it in the way in which it was introduced. Whatever may have been the remarks made in another sense, I think all must now agree that the measure, as originally proposed, would certainly have led to a further and, perhaps, not an inconsiderable increase in the local taxation of the country; and after the vote at which the House had arrived in the earlier part of the Session on that subject, there would have been such a glaring inconsistency in acceding to a measure which would increase the local taxation without any arrangement on the part of the Government tending to alleviate that increase, that I myself, strong as are my views as to the absolute importance of this House proceeding with sanitary legislation, should have felt the greatest difficulty in giving my support to the measure of the Government. But the Government have made a proposition which has been considered by those who take a very great interest in the subject—and especially by my hon. Friend the Member for South Devon (Sir Massey Lopes), who I may say has always in dealing with it shown as much discretion as ability—as being, on the whole, a fair and reasonable proposition. It has removed the great difficulty I just referred to, and therefore I trust the House will assent to the passing of this measure. I have no doubt that, in considering the machinery which we are about to institute, many details will be found fairly liable to criticism, and many suggestions may be made which may improve the proposition of the Government, or which may even remove such of their proposals as the House may deem objectionable; but the present is not an occasion on which we need enter into these details. What the House has now to do is to declare that it will support the sanitary policy of the Government in passing this measure. It is one which is not, in my mind—nor, indeed, is it in the opinion of the Government—adequate to the great subject we shall have ultimately to deal with; but it meets many difficulties that are now encountered; it renders more efficient existing legislation; and it is a preparatory and beneficial step to the large measure which the Government have announced that they will, on the first opportunity, introduce.

MR. NEWDEGATE: Since the Leader of the Opposition has become the supporter of Her Majesty's Government, and tells us that sanitary legislation is almost the only proper function of the House of Commons, I will not attempt to enter at any length into this matter. At the same time, it is due to the existing authorities who are assumed to have utterly failed in the performance of their duties to state that, as a matter of fact—so far as the Midland Counties, at all events, with which I am connected—there never was a period when greater activity in sanitary improvement prevailed. There is no pest in this country at present—no real occasion of urgency for legislation; and I must be allowed to express my regret that, by a preliminary measure, which we are told this is, these existing local authorities are to be swept completely out of the sphere of their present activity and usefulness. I have not the same feeling against parochial authorities which seems to prevail among modern reformers. My belief is that the parishes are, on the whole, well governed; and I own that I am afflicted with the ancient prejudice—a prejudice which many generations of Englishmen have entertained—that public freedom is best secured by local authority, so subdivided and limited as to area of population and locality that it shall be brought within the command of such a number of the population as can consult with each other and thus effectively act upon the mind of the authority. This seems now to be held to be an ancient prejudice, when we have a proposal made to sweep away the unit of self-government formed by the parish. I do not regard this as so light a matter as some ardent modern reformers appear to think it. It seems to me, then, that this measure arms the Government with a discretionary authority to disturb every limit of existing administration, whilst it really settles nothing. The parish administration, in connection with the public health, is to be no more. The Union authority is to be recognized; but it is to remain in the breast of the central authority, whether even that authority shall continue in force, or some other authority shall not supersede or overflow it. For there is contained in this Bill discretionary power which is to be vested in the central authority further to invade the Union authority, to overflow and to supersede it by what is termed a watershed authority; which again the Bill would establish only provisionally. Therefore, the whole tendency of the Bill is to arm the central authority with power to create local authorities, but only provisionally—although with the dim prospect that hereafter Parliament may, or may not, be asked to define the limits of the discretion to be vested in the central authority, by some other measure than the present. Then comes the proposal with regard to borrowing powers; and how will that work? Let the House suppose that in a Union, in several of the parishes of which some of the parochial authorities had efficiently set in motion the existing machinery, and had met the sanitary wants and requirements of the parish or district. Well, under this Bill, these parishes, which have provided for the necessities of the population within them, will be taxed for the purpose not of improving their own sanitary condition, but of improving the condition of the other parishes in the Union, the inhabitants of which may have neglected their duty. Because, although the Government have been good enough to offer to lend money to the Unions for the purpose of carrying out their sanitary arrangements, the interest upon that money will have to be paid by the whole Union, and the taxation will be levied without the slightest reference to the work which has heretofore been done in individual parishes. As I have said—finding that the Leader of the Opposition is an ardent supporter of the Government in respect of this measure, and of the principles I have endeavoured to describe, if the House divides I shall go through that door, because I do not believe that this hasty and provisional system of dealing with a great question of this kind is necessary, but that it has been entailed by the fact that the Government were determined to effect a vast political change during this Session, and to wear Parliament down to its acceptance. They have thus used up the time of the House; and now, when we have come to the close of the Session, the House is asked to invest the Government with vast discretionary powers, which, according to the showing of their own organ, would not have been necessary if the attention of Parliament had been earlier directed to the consolidation of the law and the division of the country into such districts as might have become permanent for the purposes of sanitary arrangements.

MR. CORRANCE said, he almost rose under a sense of self-reproach for delaying the progress of the Bill after so long a debate; but he felt that until he had heard the statement of the right hon. Gentleman the President of the Local Government Board he should not have been justified in making any remarks. What had he said? That the Bill was a small Bill; that it did nothing which had not been done before; nothing new, and in this humble guise it now came before the House. He had almost apologized for bringing it forth; and, like a certain lady in one of Captain Marriott's novels, said—"It was only such a little one," by way of excuse. But what had the Bill done to be treated like this? If it really did nothing, it was his opinion that it ought not to pass. But what if it did something most important and material, and that in the worst possible way, and left out all the rest; things that they had been promised upon the faith of the Government this Bill should carry out. He spoke with the greatest possible regret. Well, his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot) had said that this Bill was a Bill simply to effect one point — organization; the whole thing turned upon this, and in this respect the Bill was good or bad. Now, no one pretended to be satisfied with the present organization of the borough authorities; but they took them because it would be difficult to put anything in their place. With respect to the counties it was different, for there they had a fair scope. Now, with respect to the Board of Guardians as an authority over these matters, just see what had been said. The hon. and gallant Member for West Sussex told them that he had put the question to nearly all the Boards of Guardians he knew, whether they wished to accept such a task, and not one had given consent; but that when it was put to them whether they would like anyone else to expend the rate, they with equal unanimity declared that they would not. Now, he had never heard a more suggestive statement made than that. They did not wish to administer, but simply to control expense; that was precisely the case, and he thought that by an Amendment he should propose in Committee that arrangement could be carried out. He did not wish to enter further into that question yet. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had told them that no candid mind could refuse to accept the Bill as it stood, as an improvement upon that which did exist. He wished the right hon. Gentleman would inform himself more especially upon that point, for he would find that many men of high attainments, of especial knowledge, and who had devoted their lives to this subject, had come to very different conclusions about this. They did not regard this measure in its present form as an advance, but rather the reverse, and he thought that they ought to be heard with respect. He would not say more at that time; but he was glad his hon. Friend (Sir Massey Lopes) was more satisfied than he had been with the financial provision of the Act.

MR. HENLEY feared that the ratepayers would find little satisfaction in what was about to be done. In the first place, a good many persons would be dismissed from their employment and pensioned, by which means a good deal of money would be swallowed up. As to appointments, he had not much doubt that the local authorities were better judges of the fitness of gentlemen to be appointed to offices than any persons who were in London could be, and he hoped that the local authorities would have a fair share of the patronage, such as it was. The Bill also would buy up and put a stop to all that was being done in connection with certain works. That must be the natural and immediate effect. They were told that certain things were to be done next year, and the consequence would be that all persons who had to lay out other people's money would pause in order to see what powers would be given to them in the following year. Two of the most important kinds of work in reference to sanitary matters were sewerage and drainage; but the areas for such works would be completely changed, and it would become an immediate matter for consideration whether, instead of these matters being carried out upon a scale upon which they had before been done, the local authorities should not wait and see what powers were to be given by Government. This would be the natural consequence of this measure; because, unless such a course were taken, next year the works carried out might be found worse than useless. As to the Government giving means to obtain money at a low rate, that would, probably, tend to increase the expenditure, and one species of property ought not alone to be saddled with so many burdens as were imposed upon it. It was very difficult to say to what in time these burdens might amount; and in reference to this ground specially he had hoped that Government would have given them something more satisfactory than this measure.

Mr. BOURKE wished to call attention to the fact that there was one principle in the Bill that was peculiar and unprecedented, and in reference to which he hoped that there would be some explanation. Power was given to the local boards by provisional orders to repeal local Acts with which they might come in contact. He did not know that ever before power had been given to repeal local Acts in so sweeping a manner. Further, it was a power which he did not think the boards could exercise with safety. In addition, there was authority given to the Board in London to saddle the ratepayers with the payment of any compensation which they chose to bestow in the event of any office being abolished which had existed under these repealed Acts of Parliament.

Question put, and *agreed to.*

Bill *considered* in Committee.

Committee report Progress; to sit again upon *Thursday.*

MINES (COAL) REGULATION BILL.

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

[BILL 240.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Secretary Bruce.*)

Mr. GOLDSMID, in the absence of the hon. Member for Brighton (Mr. Fawcett), who was suffering from indisposition, withdrew the hon. Gentleman's Amendment for the recommittal of the Bill, with a view to the omission of Clause 16, which enforced the payment of wages by weight instead of by measure. He (Mr. Goldsmid) regarded the clause as unnecessary and as a mischievous interference between the employer and the employed. Inasmuch, however, as he could not hope to receive a sufficient support at that advanced period of the Session, he should not feel himself justified in pressing his view upon the House.

Mr. AUBERON HERBERT greatly regretted the absence of the hon. Member for Brighton (Mr. Fawcett) on that occasion. He deprecated some of the provisions of the Bill as tending to the destruction of the principle of self-reliance on the part of the men. If the agricultural labourers—the class which was in the worst condition, and which had no traditions of self-help—could rise in their own defence against their employers, and show themselves capable of helping themselves, it could not for a moment be maintained that labourers in any other trade required Legislative protection. If the House were wise it would restrain itself in future from interference with many great departments in which it had very unwisely meddled. Let any class of the people be accustomed to believe that the House of Commons might be made a machine for their special interest, and it would be no longer possible to look forward to a state of contentment between classes. Such an interference as this would, in his opinion, do much harm to the labourers themselves. Once they recognized this principle of interference, there was no definite line within which they could stop. All these questions arising between labour and capital ought to be left to labour and capital to settle. When they introduced such questions into the House they became matters of politics and sentiment, and he confessed he had not sufficient confidence in themselves as to suppose that they would stand as fair and impartial judges between labour and capital. He would appeal to the great body of working men not to bring these matters to the House of Commons and give up their good old habit of debating them among themselves. He believed if they gained an advantage for the moment, they would lose more afterwards that would counterbalance the temporary benefit. He would also appeal to the House to look well ahead before they entered on a course of which they could not see the end, because when they wished to stop short they might find themselves unable to do so. At present the House had quite enough upon its hands. Let them give protection to those who could not protect themselves—such as children and animals, that could not escape from cruelty; but let them treat the men and women of the country as grown-up and intelligent beings, whose energies they would only depress and limit by such Legislative interference.

MR. F. S. POWELL moved that the Bill be recommitted with respect to Clauses 11 and 30.

Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the words "re-committed, in respect of Clauses 11 and 30,"—(*Mr. Francis Sharp Powell,*) —instead thereof.

MR. ALDERMAN W. LAWRENCE protested against the propositions laid down by the hon. Member for Nottingham (Mr. Auberon Herbert), which rested on fallacies which had only to be publicly stated to be exposed. In his opinion, the Bill would confer enormous benefits upon the important class in whose interests it had been framed.

MR. SCOURFIELD agreed to some extent—and that was not often—with the hon. Gentleman opposite (Mr. Auberon Herbert). There was a danger of over-legislation, and especially when it was tried on the "there-must-be-something-done" principle. But this was an exceptional case and involved the highest considerations. He wished he could believe that the most of the colliery accidents were attributable to either crime or ignorance, for punishment might cure the one and education the other. He was rather afraid that they were more to be ascribed to carelessness and the want of presence of mind, and for the latter no legislation could compensate.

MR. MUNDELLA said, he could not allow the speech of the hon. Member for Nottingham (Mr. Auberon Herbert) to pass without a protest. The point at issue was—What were the functions of Government? The hon. Members for Brighton and Nottingham would reduce them to protecting the pockets of the rich against the attacks of the poor. ["No!"] That was the logical result of all their reasoning if the House had nothing to do with such questions as were raised by this Bill. It was one to protect human life, to protect children, and, as respected the disputed weighing clause, to facilitate the administration of justice. If it was not the duty of Government to do anything but protect society against the thief, as Herbert Spencer—to whom the hon. Members were sudden converts—maintained, what would the result be but anarchy *plus* the policeman? Seeing that there was no standard measure for coal; that the capacity of corves was a constant source of dispute; and that the miner stood a chance of losing an average of 10 per cent of the result of his labour; and seeing that we insisted upon the use of standard weights in markets and of standard measures in the sale of beer, why should not we say that this particular labour should be estimated by weight? He had told the working men of Yorkshire that he would never be a party to Parliamentary interference with wages or how they should be paid; but all he wished for was to see justice done between man and man. It was running the principle of political economy to an extreme of which its greatest masters would be ashamed to accept the doctrine of the hon. Member for Nottingham.

MR. SPEAKER informed the hon. Gentleman that it was irregular to discuss Clause 16, as he was now doing, when the recommittal of the Bill with regard to other clauses was the question before the House.

MR. MUNDELLA apologized, and, in conclusion, added that the only legitimate interference with freedom of contract had occurred in the Irish Land Bill, and in the Bill for giving bank clerks a holiday. The working man had not asked for such legislation.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *re-committed,* in respect of Clauses 11 and 30; *considered* in Committee, and *reported;* as amended, *considered.*

On Question, "That the Bill be read the third time,"

LORD ELCHO said, he saw with regret in *The Times* of that morning, in the report of a meeting held at Barnsley, a statement to the effect that the provisions of the Bill were not satisfactory to working miners. The Bill contained nearly everything they had agitated for, and the compromises were agreed to with the sanction of those who represented them; and therefore he was justified in saying that, upon the whole, the miners had every reason to be satisfied with the Bill. One point only was not made perfectly clear by the Bill.

The miners had long agitated in favour of a more effective ocular inspection by Government Inspectors, but they agreed to give this up on the understanding that, in lieu of it, what was proposed by his hon. Friend the Member for South Durham (Mr. Elliot) should be imported into our legislation—namely, a proposal that a report as to ventilation, &c. should be kept in a certain specific form in every mine. When the hon. Member for Dudley (Mr. Sheridan) proposed that the Inspectors should keep a record of the number of mines they inspected, he opposed the Motion because he thought it was contrary to the principle of the Bill, which he maintained was not the principle of ocular inspection. Contrary to the wish of the representatives of the miners, he felt it his duty to vote against that proposal; but he did so in the belief that the provision in the Bill with reference to this report would be carried into effect in the way suggested by his hon. Friend the Member for South Durham. However, on examining the Bill more closely he did not think it would do so, as there was no form of the report in the schedule, nor any proviso that a copy of the report should at any stated time be sent to the Inspector. He had privately communicated with the Home Secretary, who said it was not desirable to recommit the Bill in order to insert such a proviso; but he trusted the right hon. Gentleman would cause the matter to be brought under the notice of the House of Lords.

Mr. BRUCE said, the noble Lord had referred to a bargain of some sort; but he, at all events, was no party to it.

Lord ELCHO did not mean to imply that his right hon. Friend had had anything to do with the bargain.

Mr. BRUCE said, the whole question had been carefully considered in Committee on the Motion of the hon. Member for Wednesbury (Mr. Brogden), whose proposal was rejected. There were 3,200 mines in the country, and under the operation of this Bill the number would be increased to about 5,000. It was proposed that monthly reports should be sent to the Inspectors. These reports would amount to 60,000 annually, and they would not be of any use whatever, seeing that the books kept at the mines would be open to the Inspectors.

Mr. BROGDEN said, that in consequence of the general wish of the Committee he withdrew his Amendment and the schedule attached to it.

Mr. RICHARD could not allow the Bill to be read a third time without tendering his hearty thanks to the Home Secretary for the ability he had displayed in meeting and overcoming the objections of the coal owners, and in protecting the miners. He expressed a hope that the measure would have the effect of reducing to a minimum accidents in coal mines.

Mr. RODEN denied that there had been any undue opposition by the mine owners, and said that he had not supported any Amendment which had not been agreed to by the men in the first instance.

Mr. GREENE took credit for having introduced the subject of ventilation in mines, and the necessity of efficient inspection, five years ago.

Motion *agreed to.*

Bill read the third time, and *passed.*

And it being now Seven of the clock, the House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

TWEED FISHERIES—RESOLUTION.

Mr. TREVELYAN rose to call the attention of the House to a Return of Convictions under the Tweed Fishery Acts, and to the proceedings at a meeting of quarter sessions in Roxburghshire in May last; and to move—

> "That some of the provisions of the Fishery Acts now in force on the Tweed and its tributaries are oppressive in their operation, and tend by their severity to render the Acts distasteful to the general public opinion of the neighbourhood."

The hon. Member said, that up to within the last 15 years, a certain number of convictions had been obtained under Acts passed in 11 *Geo.* IV. and 6 *Will.* IV. But in 1857 was inaugurated a system of special legislation, something resembling that proposed to be extended to England and Wales by the hon. Member for Swansea (Mr. Dillwyn). A body of Commissioners was appointed answering very much to his Board of Conservators: except that it contained no representative element, but consisted exclusively of proprietors or their personal proxies. At the same time there were ordained a great number of minute regulations against illegal fishing; and the Commissioners were empowered to watch the operation of the Acts, to appoint and pay bailiffs, to prosecute, to receive penalties imposed on offenders, and to levy rates on the value of the fishing for the protection of the river. A Supplementary Act was passed in 1859; and in 1868 clauses of a general Act for Scotland were directed to apply to the Tweed. The combined effect of this successive legislation had now had a fair trial, and had been pronounced to be absolutely intolerable by the population of the district, whose complaints have now found voice through the most influential, the most impartial, and the best informed of all witnesses—the magistrates who have to administer the law. At the Quarter Sessions of Roxburghshire, held in May last, Mr. Ord, of Muirhouselaw, moved that the Justices memorialise the Tweed Commissioners to apply to Parliament for a revision of the Tweed Fishery Acts, on the ground that stringent laws very often failed in accomplishing the object they had in view, and that the Tweed Fisheries Act had failed to a great extent. He stated that during seven years, no fewer than 695 persons had been tried in Roxburghshire alone for contraventions of these Acts, of ages varying from nine to 72 years; the fines imposed amounted to no less than £2,163, and the costs to £408; the time spent in prison by the persons convicted was no less than 6,087 days, or over 16 years. Mr. Ord stated that the population was in a chronic state of irritation and discontent. The result of the deliberations of the Roxburghshire magistrates was that a Committee was appointed to consider and report upon the Acts. Now, a Court of Quarter Sessions was not the place where considerations of sport and the rights of property were likely to be left out of sight; and they might be very sure that when at Quarter Sessions a resolution was passed unanimously in favour of a complete revision of a Game Law, that law must be working very badly indeed. How it worked, what were the nature and the operation of the clauses which were so much objected to, any hon. Member might see for himself who looked at the Return of convictions under the Tweed Acts. The Act of 1857 allowed the Justices or sheriff to fine a prisoner in a sum not exceeding £2 for every fish taken during the close season. The Act of 1859 established a minimum, and rendered it obligatory to fine at least at the rate of 10*s.* a fish, leaving 40*s.* as the maximum. The consequences of the change in the law were soon evident. In 1858 the fines under the Act in the county of Selkirk amounted to £4. In 1859 they amounted to £4 2*s.* 6*d.* In the year 1865, excluding a large sum in costs, no less than £80 was levied in fines; and in 1867, besides £40 in costs, the fines amounted to £180. That was to say, that in this small county considerably more than £200, or its equivalent in imprisonment, was exacted in one year from the poorest portion of its scanty population. But that was not the worst. In 1868 a general Act was passed, several clauses of which were put in force on the Tweed. Among them was the 33rd clause, which enacted that on the second conviction a penalty of not less than one-half the greatest penalty should be imposed, and that on a third or subsequent offence there should be exacted the greatest amount of penalty mentioned in the Act. The effect of this clause necessarily was to inflict fines which the offenders could not possibly pay; and the jails were filled with youths whom a moderate punishment would have warned back into the paths of industry and good conduct, but whom this extravagance of retribution had forced into a life of crime; while over and above those who were imprisoned or half ruined by fines, no less than 23 persons had absconded, leaving their wives and children to be maintained at the charge of the parish. The long and the short of it was that the magistrates —against their own views of what was just and wise—were obliged to impose fines of an amount impossible to be paid, which, therefore, were virtually sentences of imprisonment. Within the last year, two fines of £98, and two of £38, had been inflicted upon persons of the humblest means, and the country was burdened, at the rate of £40 a-year for every prisoner, with the maintenance of prisoners under a system of legislation the obvious intention of which was to suppress offences by fine, and not by incarceration. [The hon. Member having examined in detail the numerous offences constituted by the Act, and the severity of the penalties imposed, and narrated some instances of extreme punishment inflicted for very trivial offences, proceeded to say]—And what had been the effect of the Acts? Had poaching diminished? Why, in Roxburghshire, during the first five years covered by the Return, the number of convictions were 217; during the last five years they numbered 431. We might acquiesce in a certain severity of legislation if that severity had the effect of checking crime; but what could be said for repressive measures, which shocked alike the people and the magistrates, when the effect of their operation was to double the crimes against which they were directed? That increase was not due to increased vigilance on the part of the police, for the same system of watching the rivers was in force throughout both these quinquennial periods; nor to excessive strictness on the part of the magistrates, for the magistrates would interpret these laws in a humane sense if they were capable of such an interpretation. It was due to a principle, the nature and action of which was nowhere better laid down than in the series of speeches which Sir Samuel Romilly made in favour of the mitigation of our criminal law—

> "It is not merely by severity," said, or rather quoted, Romilly, "but by exciting in the community a sentiment of disapprobation against any particular act that we can hope to deter offenders from committing it; and although severity may tend to increase the disapprobation when it is in conformity with public sentiment, yet when it is in opposition to such sentiments it may have an opposite tendency."

That the Tweed Acts had such a tendency he had already shown from the evidence of the Bench, and the evidence of the Tweed Commission of 1867 proved the very same thing. It was a striking commentary on this legislation that £2,000 a-year was spent on police for the protection of fishings, the total rental of which (to a great extent artificial) amounted to some £9,000 a-year; and then they were told, in the Reports of Salmon Commissions and the Preambles to Bills, that this was a question not of protecting private sport, but a valuable public branch of industry. Conceive a business which required 22 per cent of the rental to be spent on watching the premises! There was also something to be said about the system under which the waters were protected. A clause in the General Police Act of 1857 allowed constables to be sworn in, and placed under the charge and direction of the Chief Constable, at the instance and the expense of private individuals. Under this clause a large number of extra constables, paid by the Tweed Commissioners, were embodied in the police of the counties bordering on the river. This arrangement was, to say the least, of dubious financial advantage to the counties; though he was bound to say that in applying for the arrangement there was no reason to suppose that the Commissioners were desirous of saving the funds of the Commission. The only possible advantage to the ratepayers consisted in placing at their disposal more policemen than were required during the summer months; while in the close time, when nights were long and the ordinary patrol duties exceptionally heavy, the attention of the police was diverted to the river. It was like taking a man's coat in winter and compensating him by forcing on him an overcoat in the dog days. But the moral disadvantages of the arrangement were more to be deprecated than the pecuniary, for it associated in the minds of the people the guardians of the peace, and the charge of laws which were generally odious. It made the policeman to be viewed in the light in which the water-bailiff was proverbially looked on in Scotland. Mr. Ord distinctly said before his brother justices that the police were not regarded as they ought to be; the late sheriff and the present sheriff-substitute of Roxburghshire openly condemned the arrangement; and hon. Members who knew what the sheriffs of a Scotch county were, would think twice before they rejected their authority. And what said those who were strongly in favour of these Acts? The Chief Constable of the combined counties of Roxburghshire and Selkirkshire was asked before the House of Lords' Committee whether the employment of the constables on Fishery duties produced unpopularity to the force. "I think it does," he answered, "among the lower orders. I find that the lower orders are unwilling to give information in regard to Tweed offences." Hon. Gentlemen who were accustomed to fish in the sparsely inhabited regions of Norway and the Highlands must reflect that in the manufacturing counties an enormous percentage of the population belong to the orders which do not sympathise with this legislation.

> "Is it not rather hard," asked Earl Minto of the Inspector General of Constabulary, "on the county police and ratepayers of counties, if the Tweed Commissioners employ and pay an insufficient number of men to suppress poaching that they should be held responsible for the suppression of the Tweed offences?—Yes. It is an experiment. Poaching is not put an end to. But the police are doing their duty."

A gratifying reflection; but not an adequate compensation for the manifold drawbacks of a system, the evils of which were none the less grave because they were to a great extent latent below the surface of society. In 1870 the Scotch Salmon Commission sent round a paper of questions, of which one was—"Is the system of protection in your district efficient?" Answers came from 32 districts, in only two of which the Tweed system of police prevailed. It was not too much to say that of all the answers that from the Tweed was the most unfavourable. It was an ominous sign after this evidence to find the Commissioners recommending that the Tweed system should be extended generally; that constables and peace officers should be empowered to search persons whom they might meet in the street or highway; above all, that the clause enforcing half penalty on second conviction, and full penalty on a third conviction, should not only be retained, but should be rendered far more stringent. Which were they to trust? The Commissioners who were absorbed in the details of salmon preservation, or the magistrates who had the charge of the moral welfare of the community? They all knew what Commissioners were; how in their devotion to the subject on which they were perpetually engaged they were liable to lose all sense of the proportion which that subject bore to other interests and other considerations. It was these recommendations, in the teeth of this evidence, that made it doubly essential for hon. Members to hesitate before they carried further legislation founded solely on the Reports of Salmon Commissioners. He had brought forward this Motion on two grounds—first, that Parliament might have an opportunity of ascertaining the effect of past legislation applying to special districts before it extended that legislation to the nation at large. His second purpose was to ascertain whether at a future time he might venture to ask the House to amend these Acts in such a manner that the people might obey them willingly, and the magistrates might administer them without misgiving; and in this view he begged to move the Resolution of which he had given Notice.

Motion made, and Question proposed,

> "That, in the opinion of this House, some of the provisions of the Fishery Acts now in force on the Tweed and its tributaries are oppressive in their operation, and tend by their severity to render the Acts distasteful to the general public opinion of the neighbourhood."—(*Mr. Trevelyan.*)

SIR GRAHAM MONTGOMERY observed, that the hon. Member who had so ably brought this question before the House had said that the existing Acts had failed of their object; but, although he had spoken much about the penalties imposed on poor people, it was difficult to gather from him in what point those Acts had failed. Since the Act of 1857 was passed, he understood that the fisheries of the Tweed had very considerably increased, and a much greater quantity of salmon been caught than in former times. Would the hon. Gentleman substitute for the present system the demoralizing one which existed before 1857? The employment of the police in watching the river was a matter on which magistrates differed much; but for himself he thought that, on the whole, if the law was to be maintained, it was advisable that the river should be protected by the police rather than by the water bailiffs, upon whom they could very seldom rely. The hon. Gentleman had not made out a case for an alteration in that respect; but if he had his feelings, he should move in another Session for a Select Committee upon the working of the Tweed Acts.

MR. RIDLEY admitted that the hon. Member had stated his case with moderation and good faith; but he complained that he should have thought fit to seize that opportunity for making an attack upon the policy of salmon preservation throughout the kingdom. He failed to find in the general Scotch Act any clause so stringent as that contained in the English Act of 1865, which imposed certain penalties for offences under it, and which increased those penalties most severely in proportion to their number.

He did not think that the hon. Gentleman had made out any case of hardship in respect to poaching or the right of search. Surely, if the rivers were to be protected at all it was necessary that those penalties should be inflicted. Now, according to the Returns before them, three-fourths of the fines imposed were paid. He thought that the House should not stultify itself by agreeing to such an abstract Resolution as that proposed.

MR. DILLWYN agreed with the hon. Member for the Border Burghs (Mr. Trevelyan) in thinking that it was a great mistake to have over-stringent penalties, which generally defeated themselves, and he thought it was not wise to have minimum penalties enforced by any law. He maintained that in all those laws, instead of having minimum penalties, a great latitude ought to be allowed to magistrates when dealing with offences.

MR. BRUCE said, the whole scope of the argument of the hon. Member for the Border Burghs had been directed rather against the general Act, which had been incorporated with the Tweed Acts, than against any provision peculiar to these Acts. The hon. Member had commenced by comparing the Salmon Acts to the Game Laws; but there were no points of similarity between them. The Game Laws protected the game upon a particular estate for the benefit of a private person—the Salmon Acts preserved the salmon during the breeding season, when they were unfit for food, to enable them to return to the sea. Undoubtedly, on the Tweed there had been very lawless proceedings before those Acts were passed, and it was against those Acts that the hon. Gentleman invited the House to concur in this Resolution. Mr. Huntley, Chairman of the Commissioners, and formerly a Member of that House, had written a letter on this subject, strongly confirming the general statement the hon. Gentleman had made. Nearly all the convictions to which the hon. Gentleman had referred took place during the close months. Each salmon was capable of depositing 1,000,000 of eggs, and when the fish returned to the sea they became the property of those who caught them and sold them as food. The policy of these Acts, and of the heavy punishments inflicted for the preservation of salmon, was not immediately for the benefit of the riparian proprietors, but of the public who bought and consumed the salmon in a healthy state. In comparing the number of convictions under the Act, the hon. Gentleman had not taken into account the differing circumstances of the rivers. The banks of the Tay and the Spey were thinly peopled, those of the Tweed quite the contrary, and therefore poaching was with much more difficulty prevented in the latter river. There was no doubt but that the employment of the police by private individuals was always objectionable; but in this case they were employed to protect the poor fishermen rather than the large proprietors. With regard to the severity of the existing laws, while he admitted they were too severe he thought they should not be so relaxed as to admit of fish being taken in an unwholesome state. Laws which were unduly severe had a tendency to defeat their own object, and he believed that principle applied in the present instance. Under the circumstances he had stated, the hon. Member would no doubt be satisfied with having directed the attention of the House and of the country to the subject.

MR. WHALLEY said, his experience in North Wales exactly coincided with that of his hon. Friend (Mr. Trevelyan), whom he wished to thank for the forcible manner in which he had drawn attention to this question.

MR. WHITWELL said, he hoped the hon. Member would not divide the House on the present occasion, so that he might be left at liberty to introduce next Session a short Bill giving more discretion to the magistrates.

MR. STAPLETON said, he thought the hon. Member would do well to accept the suggestion of the hon. Baronet opposite (Sir Graham Montgomery), and either bring in a Bill next Session, or move for a Select Committee to inquire into the subject.

MR. TREVELYAN, in expressing his willingness to withdraw the Motion, said, the general concurrence of hon. Members who had spoken would encourage him to bring a short Bill forward next year, when he should expect the support of both sides of the House as well as the Treasury bench.

Motion, by leave, *withdrawn.*

JOINT STOCK BANKS (IRELAND).

RESOLUTION.

MR. DELAHUNTY rose to move—

"That, in the opinion of this House, Her Majesty's Government should promote a Bill through Parliament to suspend the operation of the eighth section of the Act 8 and 9 Vic. c. 37, so as to enable additional Joint Stock Banks of Issue to be established in Ireland, until such time as the number, capital, and note circulation of such Banks be equal to that of Scotland proportionately to the population of the two kingdoms when said Act was passed in the year 1845."

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. DELAHUNTY continued. In 1845, Scotland, when first placed under restriction, had 19 Banks of Issue, with a paid-up capital of £12,000,000, and a note circulation of £3,159,000, for a population of 2,500,000. But in Ireland, in the same year, besides the Bank of Ireland, which had lent its money to the Government, and which was of no use in promoting the trade or commerce of the country, there were only five Joint-stock Banks—namely, the National, the Provincial, and three Banks in Belfast. Excluding the latter, which were merely local Banks, the paid-up capital of the National and Provincial was in 1845 under £900,000—an amount which was entirely inadequate to meet the commercial wants of a population which in that year numbered 8,500,000. If Scotland was better off, it was because she had a more abundant circulation and a larger amount of banking facilities than Ireland. As there were many other subjects to be brought forward to-night he would reserve his Motion till next Session; but at the same time, he would ask Her Majesty's Government to give to Ireland the same rights as England had. The reason why Belfast had progressed more than the other parts of Ireland was that she had three Banks, while the other parts of Ireland had only two Banks. He would never rest until Ireland was placed on the same footing as England, and the laws of the two countries were the same. The hon. Gentleman concluded by moving his Resolution.

MR. PIM seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, Her Majesty's Government should promote a Bill through Parliament to suspend the operation of the eighth section of the Act 8 and 9 Vic. c. 37, so as to enable additional Joint Stock Banks of Issue to be established in Ireland, until such time as the number, capital, and note circulation of such Banks be equal to that of Scotland proportionately to the population of the two kingdoms when said Act was passed in the year 1845."—(*Mr. Delahunty.*)

THE CHANCELLOR OF THE EXCHEQUER observed, that it appeared to him that the hon. Gentleman had founded his argument on a fallacy when he supposed that Banks were the cause of the wealth of nations, and that if enough of Banks were established you increased the capital. It was just the reverse. It was when capital came into a country and sought for investment that Banks were found the most convenient way of distributing that capital, and making it available for the industries of the country. A country had Banks because it was rich. It was not necessarily rich because it had Banks. Then the hon. Gentleman seemed to assume that a country's circulation should be according to its population. That was not so. The circulation was determined by different things, such as the number and variety of transactions of its general internal activity. A small country might have a larger circulation than a greater country whose trade was dormant. The notion on which that Motion was founded—namely, that it was the duty of the Government to increase the paper currency of Ireland till it reached the proportion at which that of Scotland was 30 years ago—was a mistake as to the function of currency; therefore, he had no hesitation in opposing the Motion.

MR. DELAHUNTY said, that after the miserable speech of the Chancellor of the Exchequer, he was determined to bring forward this subject again next Session, when he would smash him up. Under the circumstances, he would, for the present, ask leave to withdraw his Motion.

Motion, by leave, *withdrawn.*

CHURCH SEATS BILL—(*Lords*).

(*Mr. Beresford Hope.*)

[BILL 194.] COMMITTEE.

Order for Committee read.

MR. BERESFORD HOPE said, as Notice had been given of an Amendment to the Motion that Mr. Speaker should leave the Chair in order that the House might consider this Bill in Committee, he though it expedient to state that the notion in favour of free seats was growing. That notion was not confined to any section in the Church. By the old common law the Church was free to all the parishioners; but the churchwardens had the right of assigning seats according to the requirements of the different parishioners. In the dearth of Church building, proprietary chapels grew up, and, as they were commercial ventures, they had to be kept up somehow, and the only way of maintaining them was by levying pew rents. The Acts of 38 & 39 George III. were accordingly passed on the subject of those seat rents. These Acts were amended in the reign of William IV., and also by the famous Peel Act, passed 26 or 27 years ago. But some of the details of these Acts required that any person who built a new church should vest it in the Ecclesiastical Commissioners. In order to find a legal freeholder, churches had to be vested in the Ecclesiastical Commissioners; but they were precluded by musty Acts, passed under a different state of society, from accepting sites given under the condition that the seats should be free and unappropriated for ever. The Marquess of Westminster had been anxious for such a condition in the case of a site given by him near that House, and another munificent layman in that of a site near the Exhibition building; but it was found impracticable, and the churches had to be consecrated without it. The Bill would remedy this anomaly; and Clause 3, which was not necessarily involved in the rest of the measure, would allow churchwardens to put strangers at the commencement of the service into seats which otherwise would be empty.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Beresford Hope.*)

Mr. D. DALRYMPLE said, he was opposed to the 3rd clause of the Bill, which would empower churchwardens at the commencement of the service to put strangers into seats that might have been occupied by the owners if they had not been late. The Bill was meddlesome, needless, and insidious. He denied that the Commissioners could not accept sites on the condition that the seats should be free, and it was not unlawful, though it was unusual, to put strangers into seats rented and usually occupied by parishioners. It would not conduce to the orderly conduct of the service for seatholders happening to be a few minutes late to find their places occupied by strangers, and there was always a readiness to offer strangers seats which would otherwise be vacant. He objected to the extension of the Bill to existing churches, some of which were supported by pew-rents, and he deprecated a universal system of open seats, with money taken at the doors for maintaining the services. He begged to move that the House should go into Committee upon this Bill on that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,—(*Mr. Donald Dalrymple,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HUNT suggested that the difficulties pointed out by the hon. Member who had just down might be removed if the Member who had charge of the Bill (Mr. B. Hope) would consent to a delay of five minutes after the commencement of the service being accorded to those who possessed pews in a church before their seats were given to other persons.

Mr. BERESFORD HOPE said, he was willing to accede to the suggestion.

Mr. CRAWFORD wished to know what was to be done in churches where there were no churchwardens? It would not be seemly to keep persons waiting with their watches in their hands to see if the time allowed had elapsed.

Mr. R. N. FOWLER thought the object of the Bill a laudable one. It was undesirable that people should come late to church; but there ought to be some limit as to the time allowed. He had given Notice of an Amendment to the effect that the seats should be given away after the commencement of the First Lesson, but would not press it if the Committee should be of opinion that five minutes was the proper time.

Mr. WHALLEY said, that almost the only protection a Churchman had was the seclusion of his own pew. What protection would he have against eccentricities which might be introduced into the Church? If this Bill should be carried, the old-fashioned church-goers would be deprived of the seclusion which they had hitherto enjoyed, and the adhesion to the Church of a large class of the community would be endangered.

Colonel HOGG said, he did not agree with those who wished to do away with pew-rents, which he considered a legitimate source of remuneration to the clergy. He did not sympathise with those who wanted to do away with the Protestant character of the Church of England. At the same time, as a churchwarden, he had seen many inconveniences arising from the difficulty of putting persons into seats, and if the hon. Member for Bath (Mr. D. Dalrymple) would allow the Bill to go into Committee a modification of the clause might be adopted.

Mr. ILLINGWORTH regarded that as an attempt to turn the House into a sort of lay Convocation. The Bill, however important it might be to Churchmen, was not one of any Imperial importance; and it stood in the way of legislation of a pressing nature. If its 3rd clause had emanated from a Dissenter, it would have been characterized as a measure of spoliation, as it proposed to lay violent hands on pews which had long been bought and sold.

Mr. COLLINS maintained, in spite of what had been said by the hon. Member for Bath (Mr. D. Dalrymple), that the law of the land did not allow the Ecclesiastical Commissioners to receive sites for churches in regard to which it was a condition that all the seats should be free. This Bill would remove that difficulty. Under faculties obtained from Bishops, particular pews in parish churches ran either with the person or with the house; but they were not transferable, and were in no sense property. With respect to unoccupied seats, was it not perfectly monstrous that people should assume a dog-in-the-manger position, and neither go to church themselves nor let others go? Were they to have a large staff of clergymen with great endowments, and yet allow persons to assert the right to keep the pews empty during the whole of the service? He hoped the House would go into Committee and modify the Bill if necessary.

Mr. HINDE PALMER thought the Bill was a useful one; but he wished to know how the incumbents of churches, all the seats of which were to be free, were to be supported? He thought some provision should be inserted for securing their maintenance to the satisfaction of the Ecclesiastical Commissioners.

Dr. BREWER said, there was a great demand for the Bill, for there could be no doubt that accommodation for the humbler classes in the Church of England was lamentably deficient.

Mr. HIBBERT trusted the hon. Member for Bath (Mr. D. Dalrymple) would allow the Bill to go into Committee without a division. As to the 3rd clause, he should prefer to leave churchwardens free to make their own arrangements as to the time at which strangers should be admitted to seats, and he thought it would be better to trust to the influence of public opinion rather than to put stringent rules in an Act of Parliament.

Mr. BERESFORD HOPE said, he was willing to accept the limit of five minutes which had been suggested, but that would be in effect a restriction upon the discretion of the churchwardens. With regard to the observations of the hon. and learned Member for Lincoln (Mr. Hinde Palmer), he believed it was the practice not to consecrate churches until an endowment had been provided.

Mr. PELL considered the Bill to be imperfectly drawn, and that the termination of the 2nd clause would encourage the Bishop of the diocese to establish a scale of pew-rents. It was possible that a stranger might insist upon occupying an allotted seat, and no provision was made in the Bill for preventing such a difficulty.

Mr. CRAUFURD hoped the hon. Member for Bath would press his Amendment to a division, for he had never seen a measure which reflected more discredit on its framers than this. It was monstrous that Parliament should be called upon to legislate as to whether a man should enter his pew five or ten minutes after the commencement of the service, and he hoped the House would not support the Bill. If they were to have free churches let pew-rents be abolished; but this Bill pretended to give with once clause what it took away with another.

Colonel WILSON-PATTEN, as one of the Members for Lancashire, wished to state that there was a strong feeling in the county in favour of freer access to churches than could be obtained at present. He could not support the 3rd clause, but he must vote for going into Committee on the Bill.

Question put.

The House *divided:*—Ayes 89; Noes 46: Majority 43.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Ecclesiastical Commissioners may accept a church site under a grant in which it is declared that pews or seats shall not be let).

Mr. D. DALRYMPLE moved the omission of the proviso permitting pew-rents in certain cases, and with the consent of the persons interested.

Amendment proposed, in page 1, to leave out from the word "money," in line 18, to the end of the Clause.—(*Mr. Donald Dalrymple.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. BERESFORD HOPE accepted the Amendment.

Mr. F. S. POWELL supported the proviso on the ground that in large towns in the North the people were of an independent spirit, and preferred paying a small sum for seats, and that without such payment it was impossible to maintain some churches.

Question put.

The Committee *divided:* — Ayes 42; Noes 93: Majority 51.

Clause, as amended, *agreed to.*

Clause 3 (As to unoccupied seats).

Mr. CRAWFORD moved, in line 27, the omission of the words fixing the time when the pews of a church may be filled up by others than the usual occupants—namely, "when the clergyman begins the service," in order to add words at the end of the clause which would leave such filling up to be made "under such arrangement as the incumbents and churchwardens may prescribe for that purpose."

Mr. NEWDEGATE said, that this clause was beyond the purview of the Bill, which was a Bill sent down from "another place" for the purpose of assigning the conditions upon which certain new churches were to be built. The whole intention of the Bill was prospective up to the 3rd clause; but the 3rd clause entirely departed from the prospective principle, and became retrospective in its operation, and proposed to destroy the rights by usage, by faculty, by payment, and by custom which had existed for centuries in some of the parish churches, and which had been acquired recently by payment by some of the proprietary.

Mr. R. N. FOWLER had an Amendment on the Paper, which he would move at the proper time. He thought it would be much better if the Committee would settle some plan in the Bill which would be of general application, but a reasonable time should be allowed to elapse before the pews were filled up.

Mr. COWPER-TEMPLE believed that the arrangements as regards seats had never devolved on the incumbent, but had always been left to churchwardens. He, however, thought it would be best to declare that the vacant seats should be filled 10 minutes after the beginning of the service.

Mr. SCLATER-BOOTH agreed with the remark of the hon. Member for North Warwickshire (Mr. Newdegate) that the clause was beyond the purview of the Bill. If proprietary rights were dealt with, it should be done by a Bill brought in with that view.

Mr. BRUCE observed that this clause formed no part of the original Bill, and had no sort of connection with it. In its present form it would, he believed, inflict great hardship.

Mr. A. GUEST thought it would be necessary to define what service was meant, whether morning, afternoon, or evening.

Mr. COLLINS hoped the clause, as not strictly within the Preamble of the Bill, would be withdrawn. At the same time, he thought the appropriation of seats in some parish churches was a great grievance and scandal.

Mr. CRAWFORD said, he was prepared to withdraw his Amendment.

Mr. BERESFORD HOPE objected to the withdrawal of the Amendment, which would, in fact, prevent the clause being put. The clause was not inconsistent with the title, and might be consistent with the Preamble of the Bill.

MR. MONK said, that, as a Churchman, he was truly ashamed they should have spent more than an hour in discussing such a question as this.

MR. HUNT recommended that the clause should not be pressed.

Amendment, by leave, *withdrawn.*

MR. PELL, with a view to limiting the operation of the clause to the churches named in the Bill, proposed to insert after "all" the word "such."

MR. CRAUFURD appealed to the Chairman whether the clause was consistent with the full title of the Bill?

THE CHAIRMAN said, it was quite competent for the Committee to treat the clause as part of the Bill.

MR. COWPER-TEMPLE said, they had better amend the clause, and then consider whether they would accept it. If the word "parish" were inserted, it would make the clause consistent with the title. If the Amendment were rejected, he should move the insertion of the word "parish."

MR. BERESFORD HOPE said, the drift of the debate was adverse to the clause, which he would sacrifice rather than risk the Bill; but he would prefer to retain the clause and to make it to apply to "all ancient parish churches."

MR. F. S. POWELL said, the word "parish" was about the worst that could be used.

MR. COWPER-TEMPLE said, it would require an archæologist to determine what was an ancient parish church.

Amendment and Clause *negatived.*

Preamble *agreed to.*

Bill *reported,* with Amendments; as amended, to be considered upon *Thursday.*

WILD BIRDS PROTECTION BILL.

(*Mr. Andrew Johnston, Colonel Tomline, Mr. Brown.*)

[BILL 247.] CONSIDERATION.

Bill, as amended, *considered.*

Clause 2 (Season during which wild fowl shall not be killed).

MR. STAPLETON moved to add to the clause a proviso that every summons issued under the Act should specify the character of wild bird in respect of which the alleged offence had been committed.

Amendment *agreed to.*

MR. MONK moved the insertion of the word "skylark" in the schedule. That delightful song-bird was regarded as game in France and other foreign countries, and protected during the breeding season.

Amendment proposed, in page 3, in the Schedule, after the word "siskin," to insert the word "skylark."—(*Mr. Monk.*)

MR. A. JOHNSTON opposed the Motion. The schedule had been carefully considered by Gentlemen who thoroughly understood the subject, and their opinion was that the skylark should be excluded from the schedule.

MR. COWPER-TEMPLE, though fond of larks, trusted the House would reject the Amendment.

MR. AUBERON HERBERT said, there had been a kind of compromise among the Members of the Committee, who found it impossible to admit into the schedule birds of a doubtful character. He hoped the Amendment would be withdrawn.

Question, "That the word 'skylark' be there inserted," put, and *negatived.*

Bill to be read the third time *To-morrow.*

TURNPIKE TRUSTS ARRANGEMENTS BILL.

On Motion of Mr. WINTERBOTHAM, Bill to confirm a certain Provisional Order made under an Act of the fifteenth year of Her present Majesty, to facilitate arrangements for the relief of Turnpike Trusts, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 256.]

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 17th July, 1872.

MINUTES.] — PUBLIC BILLS — *Ordered — First Reading*—Law Officers (England) Fees * [257].

Second Reading—Railways (Ireland) [77], *debate adjourned.*

Committee—Custody of Infants * [93]—R.P.

Committee—Report—Grand Juries (Middlesex) * [235].

Considered as amended—Basses Lights (Ceylon)* [234].

Third Reading—Corrupt Practices at Municipal Elections* [86]; Metalliferous Mines Regulation* [236], and *passed.*

Withdrawn—Loans to Infants* [107]; Municipal Corporations, &c. (Disposition of Penalties)* [95]; Land Rights and Deeds (Scotland)* [103].

NATIONAL SCHOOLS (IRELAND).

QUESTION.

MR. O'REILLY asked the Chief Secretary for Ireland, Whether it is not a fundamental rule of the system of National Education in Ireland that the National Schools and their registers should be open at all fitting times to the public; whether there is a by-law, rule, or decision of the Board (notwithstanding such rule) that no visitor shall be permitted to copy or make any extract or note from the registers, especially the register of what are called "Religious Instruction Certificates;" and, whether if such a limitation is enforced, any means are taken to secure the advantages of publicity, and to provide a test of the accuracy of such certificates, which are generally signed by marks?

THE MARQUESS OF HARTINGTON said, there was a rule of the Board of Education, the effect of which was to secure to visitors full liberty to examine the registers, daily record and class books; but the Commissioners decided in 1869 that the rule quoted did not give to visitors the right to copy or make extracts from the registers. The Commissioners having considered the Question of the hon. Member, were of opinion that sufficient publicity was secured by the rules, and that the accuracy of the registers was tested by the certificate of the Inspector in each case. Having investigated the subject by the help of documents sent to him by the Commissioners, he also thought that sufficient publicity was given through the means which they adopted.

RAILWAYS (IRELAND) BILL—[BILL 77.]

(*Sir Rowland Blennerhassett, the Marquess of Hamilton.*)

SECOND READING.

Order for Second Reading read.

SIR ROWLAND BLENNERHASSETT, in moving that the Bill be now read a second time, said, that notwithstanding the difficulty attending the attempt of any private Member undertaking such a bold step as that he was about to do, yet he thought it better to submit the question to the House in the form of a Bill than by an abstract Resolution, inasmuch as the Bill showed in detail, however imperfectly, how his proposal was to be carried into practical operation. The question had often been asked, how it was that railways in Ireland had not stimulated trade, or induced a spirit of change and progress in the Irish people in anything like the proportion which was seen in other countries? The answer was to be found in the evidence given before the Royal Commission, of which the Duke of Devonshire was Chairman. All that evidence showed that the railway system of Ireland was based on radically unsound principles, and that the working of those principles produced evils greatly aggravated by the special circumstances of the country. Almost all the witnesses examined before that Commission agreed that the fundamental evil of the Irish railway system was want of unity of management. All complained of the indisposition on the part of the directors to amalgamate, and of the rivalries and jealousies that existed on the part of the various companies. No accommodation was given for passenger traffic, and nothing was done to promote the trade, to develope the mining interest, or to facilitate the sale of the agricultural produce of the country. Several witnesses showed in detail the want of accommodation for travellers from one part of Ireland to another. One of them complained of the bad communication between Limerick and Dublin, of the delays upon the road and of the slowness of even the fastest train, which took 5½ hours to travel 130 miles. The hon. Member for Waterford deposed to the difficulty of getting from Waterford to the interior of the country, or even of getting to Dublin, owing to the indisposition of the Great Southern and Western Railway to act in harmony with the other companies. At the time that the hon. Gentleman gave his evidence it took a third-class passenger two days to get from Waterford to Dublin, a distance of 112 miles. Exorbitant fares were charged, especially for third-class passengers, and in July some of the railways in the North of Ireland raised their fares from 10 to 15 per cent. Mr. Macfarlane, a magistrate for the City of Dublin, said that there was less accommodation between the North and South of Ireland now than formerly when there were coaches both by day and night. Now they had only conveyances by day, and the earliest train from the country did not reach Dublin till 5 in the afternoon. Numerous witnesses showed the difficulty which existed in conveying the agricultural produce of the country to the markets. Mr. Meldon, a landowner in Galway, who farmed largely himself, stated he was unable to send his agricultural produce to the Dublin market owing to the high rates. If the rates were more moderate he could send 3,000 or 4,000 tons of farm produce from Galway to Dublin every year. He grew green crops on a very large scale, as a matter of farming necessity, but he was shut out from realizing the profits incidental to their cultivation, by his enforced exclusion from the Dublin markets. With a moderate rate he could send the whole to Dublin and take manure back by the return trucks. The other farmers of the country would soon follow his example, and a better system of farming would thus be introduced. Mr. Forbes, for 10 years manager to the Midland and Great Western Railway Company, said he knew of potatoes being sold in Galway, within a few miles of a railway station, at 1*d.* or 2*d.* a stone, while the price was 7*d.* in Dublin; and he went on to show how the trade in grain, potatoes, turnips, bacon, poultry, eggs, and other commodities would be developed by a better system of railway management and smaller charges. Similar evidence was given by many other witnesses. It was stated, also, that hardly one-seventh of the cattle, sheep, and horses which were moved from one part of Ireland to another were conveyed by rail. On the Bandon line no cattle were carried at all. In the neighbourhood of Dublin, the great centre of the cattle traffic, all the animals were walked to market. Cattle bought in the towns of Limerick and Clare were driven along the roads to Dublin, and not one-twentieth part of those which went to Ballinasloe Fair were conveyed by rail. As regarded the carriage of goods, the same complaints were made. He would mention an instance which happened only the other day. In March last, Messrs. Butler, very respectable brewers in Tralee, wished to transmit some ale to the Curragh Camp, a distance of 170 miles. The railway, however, would not carry it under 26*s.* a-ton. As that charge would materially diminish, if not completely annihilate, their profits, Messrs. Butler were compelled to ship the ale at Tralee, have it conveyed round a dangerous coast to Dublin, then by canal to Naas, and thence by cars to the Curragh. The result is, that the Irish railways gave a bonus to the English as against the Irish trades. Mr. Bagot, a Dublin merchant, told the Royal Commissioners that the merchants of Dublin were frequently obliged to send their goods to England and have them re-shipped there and sent back through Dublin to the Western part of Ireland. Mr. Bewley showed that while the rate for goods from Liverto Castlebar through Dublin was 20*s.* a ton, the Dublin merchant was charged over the same line 27*s.* 6*d.* a ton. So that the English merchant sent his goods to Dublin free, and, having got them there, sent them on to Castlebar for 7*s.* 6*d.* a ton less than the Dublin merchant could send his goods for over the same line. The hon. Member for Dublin (Mr. Pim) also testified to the fact that sugar, tea, and Manchester goods were carried from Liverpool to Limerick at a lower rate than from Dublin to Limerick. What defence could be set up for such a system as this? Professor Sullivan and Mr. Mallett, President of the Irish Society of Engineers, gave evidence as to the injury done to the mining interest of Ireland by the present system of railway management. A great many mines were scattered through Ireland, yielding produce of only a low value, such as sulphur, iron, and tin ores. Professor Sullivan exemplified the rates which were charged for these products, by stating that the expense of carriage of the sulphur ore of the Wicklow Mining Company from the mine to Kingstown was more than 25 per cent of the total value of the product. The same company found iron ore and worked it extensively. The charge for the carriage of iron ore was 56 per cent on its actual value. Independent of the valuable ores, the smaller ore could not be sent at all, as the carriage of it would be 92 per cent on actual value. The influence of the cost of charge on the zinc mines near Nenah was still more important. Professor Sullivan was of opinion that if the charges was reduced to the extent of one-half the present rates, the quantity of ore sent away from those mines would be three times what it now was. An attempt was made to export sulphur ore from Tipperary, but the attempt had to be given up owing to the railway charges. He thought this was the more to be regretted when they recollected that sulphur ore was brought in vast quantities from Guernsey to Newcastle, and one did not see why it should not pay to bring it from Ireland. In Leitrim, and Limerick also, there were mines which it would pay to work, if the mineral contained in them could be brought to the sea coast at a moderate cost. Again, there would be, no doubt, a vast increase in mining industry in Ireland, if coal could be distributed at a lower price than it was now. For instance, some of the very finest porcelain clays existed in Ireland, and from these earthenware might be made. But Mr. Mallett showed that by proper arrangement and low freights along the lines of railway, coal could be supplied to over three-fifths of Ireland, and to 2,000,000 of its inhabitants at a considerably reduced price. Cheap transit would also permit the working of marble quarries in Kilkenny and Galway, and the slate quarries of Kerry. Mr. Brady, the Fishery Commissioner, stated that the railways had not given those facilities which would induce the fishermen to follow their calling with diligence. He showed that there was more difficulty in sending small parcels from place to place than there was before the introduction of railways into the country, and he pointed out that the difficulty which the fishermen experienced in sending small parcels of fish to the leading centres was one of the chief causes of the almost utter ruin of their industry. Thus every industry and trade in Ireland was choked and paralyzed by the enormous tax imposed for carriage by rail. The consumer paid far more than he should pay above the cost of production and of manufacture, and these charges operated as direct taxes on consumption and as indirect taxes on production. These taxes fell upon everyone, and if they could be got rid altogether, humanity would be relieved of a burden compared to which all the imposts of the Government were "trifles light as air," added to which they were aggravated by the high cost of transport. In Ireland, all those who had given their attention to this subject were agreed in thinking that there was but one way in which the tax of transport in that country could be effectually reduced, and that was by the purchase of railways by the State. This opinion was based upon the savings which would be effected by a better system of management and by the savings which would be effected by amalgamation. According to the Report of the Royal Commission, there were in Ireland 56 lines of railway authorized by Act of Parliament. Their average was 48 miles long. Most of these lines had a separate board of directors, separate engineers, solicitors, and secretaries. There were 430 directors, 56 solicitors, 56 secretaries, and upwards of 70 engineers, who absorbed a large portion of the receipts of the lines. He would give a few instances of the proportion per cent of expenditure on some of the lines. The Irish North-Western line was 195 miles long. Its total receipts were £125,981; net receipts, £48,903; working expenses, £77,078; so that the proportion of expenditure to total receipts was 61 per cent. On the Londonderry and Lough Swilly line the working expenditure amounted to 75 per cent on the total receipts. On the Athenry and Ennis Junction the proportion was 79 per cent; on the West Cork it was 80 per cent; and on the Belfast, Holywood, and Bangor it was 90 per cent. By amalgamation and better management Mr. Forbes reckoned that a saving of £120,000 a-year might be effected in the total working expenditure. The Commissioners estimated the saving at £30,000. There were 1,975 miles of railway in Ireland, with net receipts amounting to £1,043,785. In England the value would be 19 or 20 years' purchase. Taking the value at 22 years' purchase—an extravagant estimate—the Irish railways would, therefore, be worth £22,963,270. Of course, if the State were the purchaser, the railways would not be bought so cheap as if they were bought in the market, but the highest estimate ever made of the Irish railways was £27,000,000. To that, probably, should be added £2,000,000 more to provide for re-stocking the lines and repairing those lines which had fallen into bad condition. There could not, however, be the slightest doubt that the whole thing could be done for £30,000,000, the interest of which, at ¾ per cent, would be £975,000, and if that sum were substracted from £1,043,785, the net income of Irish railways, there would be a surplus of £68,785, and adding to that the smallest possible estimate of the savings arising from unity of management, the State would have in hand some £100,000 at least with which to begin to reduce the fares. He would add, in reply to those who contended that Government management must be more expensive than company management, that although in the spending Departments of the State, such as the Dockyards, there was a tendency to extravagance, the tendency in the Revenue-making Departments was rather towards stinginess. Nobody could say that the business of the Post Office and of the Telegraphs was managed in an exceptionally expensive manner; and on the Continent of Europe, where about 8,000 miles of railway were in the hands of the Government, it was almost invariably found that State was cheaper than company management. There the average working expenses of the State railways were 16,220f. per kilometre, and of the company's lines 16,727f. In Prussia, in 1866, there were 4,538 kilometres of railway worked by the State and 4,678 by companies, the gross receipts of the former being 171,555,357f., and of the latter, 148,765,132f., or 15,817f. and 15,007f. respectively per kilometre, the net profits per kilometre being, in the case of the State, 18,869f., and in that of the companies, 18,444f. He might add that it was becoming more and more every day recognized, both in Europe and America, that it was not sound policy to allow the roads of a country to pass into the hands of irresponsible persons, and he had heard only yesterday that a Committee of Congress was sitting in the United States to consider the question of buying up the railways of the Republic. A Committee of the House of Commons, moreover, which sat in 1846, said that the roads of the country were from the very nature of things public concerns, and were as necessary to the people as the air they breathed. If that were so, it furnished a powerful reason why railways should be managed by an authority responsible to the public. If it was said that his argument applied to England as well as to Ireland, his answer was that in England railway property amounted to £500,000,000, while in Ireland the amount to be grappled with amounted to only £30,000,000. He, at all events, ventured to assert with confidence that it would be absolutely impossible to continue for any length of time the system at present existing in Ireland. Public authority would, sooner or later, have to take up the Irish railways, and the longer that step was deferred the greater would be the ultimate difficulty and expense attending it, for five years ago the whole of the railway property in Ireland could have been bought for £5,000,000 less than it could be purchased for now, and he thought that rate of increase would at least be maintained. Some respect, also, he contended, should be paid to Irish opinion. In 1869, 72 Irish Peers and 90 Irish Members of that House signed a declaration, in which they called upon the Government to take some effective measures to reform the Irish railways, and since then resolutions had been carried at meetings of the most influential public bodies in Ireland in favour of the purchase of those railways by the Government; it being, generally speaking, declared by those bodies that any loss which the Imperial Exchequer might sustain by the purchase should be made good by a separate tax on Irish resources. He wished it, then, to be clearly understood that he was not willing that the English and Scotch taxpayer should run the risk of ever having to pay a farthing for the purchase. He should never be a party to asking for anything merely to assist a declining locality, or bolster up a decaying trade, and all he asked was that a comprehensive boon should be conferred for the highest purposes of national welfare, and that as the Queen's highway of other days was under public authority, so the Government of the country should acquire, take into their own hands, and manage the great iron highway of modern civilization. The hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Rowland Blennerhassett.*)

Mr. GOLDSMID, in rising to move as an Amendment, that the Bill be read a second time that day three months, said, the hon. Gentleman had quoted the Report of the Commission of 1867, when all railway property was at a very low ebb, which consequently was not entirely applicable at the present time; but he (Mr. Goldsmid) agreed that the hon. Baronet had very clearly pointed out that the management of Irish railways was not all that could be desired. But, even admitting that to be the case, it furnished no good reason why the State should step in to buy those railways. All it tended to prove was that there ought to be a better system of regulation and control, and that the Irish shareholders should, as the English had done, step in and tell their directors that they would not allow their resources to be squandered. The result might be that, as in England, companies which did not pay 1*d.* might come to realize a considerable income. As to the public advantage being involved in the matter, the State was interested in railways just in the same way as in any other means of conveyance; and if the public railways were to be bought up as proposed, why should not the same principle be applied to the purchase of steamboats, tramways, canals—aye, even omnibuses, and all other means of conveyance? The list of complaints made by the hon. Member proved that the railways were badly managed; but when he went further and said that the boards of management acted on unsound principles, as they were opposed to amalgamation, he would remind him that it had become a very serious question in this country whether it was desirable that the great lines should be amalgamated. A Committee had been appointed to determine the question; at present no decision had yet been come to; and yet it was now proposed, in another case, that a general system of amalgamation should be established, the difference being not only that of the country concerned, but also that it was to be at the cost of the State. If the accommodation afforded by the Irish companies was not, as the hon. Gentleman alleged, sufficient, he thought the result of experience would be to show them that the greater the facilities they gave for traffic the larger would be their receipts. That conclusion had been forced on the English companies, and the Irish were now, he believed, going through the same process. He would further observe that if fares had been raised recently in Ireland, of which the hon. Baronet complained, it might have been found necessary in consequence of the great rise in the price of coal, iron, and labour, and it was more than probable that if the Irish railways were in the hands of the Government, they, too, would have been obliged to raise the fares. As to coal mines not being worked because of the high fares, he would merely say that there were, no doubt, many small seams of coal in England which, if the rate of carriage was lower, might be worked at a profit; but that kind of argument was hardly one, he thought, which would have much weight with the House of Commons, as it obviously introduced considerations entirely foreign to the question. The hon. Gentleman had referred to France; but there the state of things was entirely different. When railways were first established in that country a central State Department decided what lines should be made from Paris, and those lines were let to various companies on lease; and as the hon. Gentleman ought to know, there was considerable complaint with regard to the management of railways in that country, and the accommodation and facilities for railway travelling furnished in France were much more limited than in England. He submitted to the House that this country was not prepared for the system which the hon. Gentleman proposed to establish—a system involving such a gigantic State monopoly. It had been stated that England would not suffer from the purchase of the Irish railways, because Ireland would give a guarantee against any loss. But when attempts were being made to amalgamate more and more the interests of the three countries, he thought that Irish Members ought not to come down with a proposition for placing Ireland in a different position from other parts of the kingdom, nor did he exactly apprehend what was meant by such a guarantee, or how it could be enforced. It was obvious that if the State bought the Irish railways it would be urged, and the next step would be, that it would be obliged to buy the English and Scotch railways. And consequently the Bill of the hon. Baronet raised the question whether it was desirable to create a great State Department to take the management of railways in England, Scotland, and Ireland. What amounts would it involve? The value of the English railways was about £600,000,000, and the purchase of them would add that sum to our National Debt of £800,000,000 —making £1,400,000,000—giving this country the distinction of having the largest National Debt of any nation in the world, and greatly imperilling her position in case of war. Moreover, the carrying into effect of such a proposition would completely neutralize the endeavours which, he was happy to say, had been made of late years to reduce the amount of the National Debt. See, then, what a terrible national risk would at once be incurred. Besides that, there would be the immense difficulty of management—a difficulty not small with respect to the Civil Service and other great public Departments; but which in comparison would sink into insignificance; for remember what a vast number of servants they would have to employ in working the great railway system of the three kingdoms. Again, owing to the influence which would be brought to bear by that vast number of *employés* on the Members of that House, a system of political jobbery would be revived which no Government would find it easy to resist; and that, too, in the face of the creditable fact that they had endeavoured to do away with it in the case of the Civil Service by throwing its appointments open to all who chose to compete. He might also remind the hon. Gentleman that one of the great causes which had led to the disasters which had befallen France within the last few years was over-centralization, for municipal government was a nonentity in that country. He should be very sorry, therefore, to see anything done which would have a tendency to impair local self-government in England; and certainly the creation of another great State Department would have that result. As to the value of the argument that a number of Irish Peers and Members of the House of Commons had been induced to sign a memorial in favour of the purchase of the Irish railways by the Government—with which the hon. Member had concluded his statement—he (Mr. Goldsmid) attached but very little weight to it indeed, for they would naturally do so at the suggestion of any considerable number of shareholders in the various companies who happened to be constituents, or even neighbours, and it did not at all follow that it would be for the interest of the country at large that the hon. Gentleman's proposal should be adopted. Irish Members constantly came down to that House and complained that Ireland was treated unfairly, but they should bear in mind that the unfairness of which they complained simply consisted very often in the fact that some extraordinary and unusual proposal made by them, and not in accordance with the custom of the three countries, was resisted with energy by English and Scotch Members. Such complaints, he was afraid, would only tend to foster that discontent in Ireland of which the House had heard so much; and he thought it would be more desirable if, instead of making such proposals, hon. Members from Ireland would endeavour to instil into the minds of their constituents the fact that Parliament laboured to do what it could do for the benefit of the three kingdoms without distinction. As to the railway grievance, it was one which, in his opinion, could be best remedied by the directors and shareholders of the several companies, and he hoped the Government would state plainly that they took this view of the question. The Bill of the hon. Gentleman seemed to him to be a most extraordinary measure. In its Preamble it was set forth that it "would be advantageous to merchants and traders" —at least an unusual form of words in an Act of Parliament, and one in this case involving much doubt. Then in the money clauses of the Bill it was provided that it should be lawful for the Board of Trade to do certain things—"to purchase the whole or such parts as it might think fit" of the railways; so that it was evidently intended not to purchase them all at the same time, and the fatal consequence would be that the Government would be brought into competition with private companies. He also thought Clause 21, which would relieve the companies from all the costs of the negotiations for the sale of their property in the event of Parliament showing any unwillingness to purchase, a most extraordinary proposal. In fact, the proposal for the purchase of the Irish railways was one of so much importance—it dealt so largely with public funds, it involved questions of principle of such great importance as deeply affecting all three countries, that it should not have been initiated without the approval of the Government; aye, it should not have introduced by a private Member, but only by and on the responsibility of the Government of the United Kingdom. He therefore trusted that the Government would state clearly what they intended to do, and that they would not express any approval of a proposal which would only be the commencement of a new and dangerous policy. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

SIR THOMAS BAZLEY seconded the Amendment. He said that the hon. Member for Galway (Sir Rowland Blennerhassett) had very clearly stated the evils in the Irish railway system which required to be dealt with; but the question was, whether the remedy proposed was the soundest which could be suggested. Would it not be better, when the interests of the public and the railway proprietors were not fully developed, that the Board of Trade should revise the railway system both in England and Ireland, and make such Amendments as might be deemed necessary with regard to a complete Government inspection and control over the whole system? He agreed with the hon. Member for Rochester that it would not be wise to introduce a new precedent in the government of this country, which would entail immense labour on the public authorities; and the present was not the time to establish the proposed principle in any portion of the United Kingdom. There existed great commercial and agricultural resources in Ireland, and he believed that that part of the United Kingdom had a great future before it, and was capable of managing its railways.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Goldsmid.*)

Question proposed, "That the word 'now' stand part of the Question."

THE MARQUESS OF HARTINGTON said, he did not think it necessary to follow the hon. Member for Rochester (Mr. Goldsmid) through all the arguments he had brought forward on the abstract question, as to whether it was desirable for the State to interfere and become the owner of all the railways in England, Ireland, and Scotland, for the question whether the State should make such an enormous purchase was not now under discussion. It was no doubt true that some of the arguments which applied in favour of the purchase of Irish railways, would apply also to the purchase of English and Scotch railways; but there were other considerations in the case of Ireland which did not apply to England and Scotland; and he thought that the House would be more disposed to consider the question in a practical point of view, than to be led away by abstract arguments. When the purchase of the telegraphs was under consideration, it might have been said that the same arguments used in favour of that transaction would apply to the purchase of railways and other works by the State; but did anyone suppose that the House would have thereby been induced to go on to the purchase of the railways? There were very many circumstances in the position of the Irish railways entirely different from the case of railways in England. If they were all in the hands of the Government they would not be a much greater concern to manage than some of the English railways, such as the North Western Railway, which was managed by a small body of directors. It was, however, universally admitted that there was very little to be desired in the way of improvement in the English railways, which gave, probably, more accommodation to the public than they would if they were in the hands of the Government; but, as regards Irish railways, it was likewise admitted that they left a great deal to be desired in point of accommodation to the public, and that their management was in many respects defective both as regards the interests of the shareholders and the public. Consequently when the House came to discuss the matter in a practical point of view, it would not be led away by any such general considerations as the hon. Member for Rochester had adduced. Looking, then, at the question as a practical question affecting Ireland, he must admit that Ireland had some ground of complaint, in his opinion, against the

English Government and the Parliament in this matter—not because nothing had as yet been done for the purchase of the Irish railways, but because the question had not yet been thoroughly discussed in that House, whether it would be to the advantage of Ireland that its railways should become the property of the Government. It might be, as in the case of England, so in Ireland, that the management of the railways should be undertaken by private enterprize rather than placed in the hands of the public. That was a question open to any hon. Member to discuss; but it certainly had not been frequently discussed or ever decided in that House. But the real ground of complaint which he thought Ireland had, was that this subject had been waiting for consideration during seven years, and had not received any proper consideration from the House. It had been urged—and he thought that there was something, though not much, in the statement—that Ireland at present did not enjoy the advantages of management by the central Government, and was at the same time debarred to a certain extent from the benefits of the system of management by private enterprize; for while the question remained under consideration and in doubt as to whether the Irish railways should become the property of the State, their management by private enterprize must to a certain extent be paralyzed. He therefore admitted that it was desirable that this matter should be brought to a practical issue as soon as possible. He would confess that the complaint of Ireland on this point might furnish some ground, perhaps, the best, to the hon. and learned Member for Limerick (Mr. Butt) and those who agreed with him for advocating Home Rule; for, though he entertained as strong objections as anyone to what were called Home Rule principles and arguments, he had never denied that an argument in favour of the demand for Home Rule was furnished by the very small amount of time which during the last two Sessions of Parliament had been devoted to practical questions affecting the interests of Ireland. He would go further, and say that unless the House was prepared in future Sessions to devote more time to practical business concerning Ireland, instead of to the discussion of every imaginable subject that could be brought before the House, the arguments in favour of Home Rule would, in his opinion, acquire more force. It was not, however, his intention to enter into a discussion of the question of Home Rule; but he must say that if the subject before the House was to be considered in reasonable time, it must be considered by Parliament, and not by the Government alone. If, however, the Government had been prepared to announce any policy on the question, Parliament had not, during the last two Sessions, had any time for the discussion of so important a matter, which had been described to be of the greatest possible importance as affecting the prosperity of Ireland, and on which a great difference of opinion prevailed. What he had stated would show that it would be the object of the Government to enable the House to come to some practical issue on this question. He hoped that this would be the case in the next Session, but he was not able positively to pledge the Government to deal with it at that precise time. All he could say was, that this must take its place among the other great questions waiting for consideration; and the Government would not think that they would be doing their duty if they brought it on without the prospect of being able to carry it to a satisfactory conclusion. One point mentioned by the hon. Member for Galway (Sir Rowland Blennerhassett) was a guarantee to be given by Ireland to the Imperial Government against any loss by the purchase of the railways. Regarding that, though much had been said in Ireland on the subject of a guarantee, he had never heard anything to convince him that there was any practical unanimity in reference to it. Some public meeting and some grand juries had expressed their readiness to agree to the guarantee; but the proposal had never taken anything like a definite shape, and he did not think that many of the details on which the guarantee was to be given had at all been unanimously accepted. One difficulty in the way of that proposal was, that the different parts of Ireland were not at all similar, and it might be that railway companies in one part of Ireland would be willing to guarantee the Government against loss, while others in another part would not be disposed so to act; and with that view, the Government had considered with some care whether any division of districts might be effected, and the ratepayers of those districts empowered to purchase for the public the railways in their districts, guaranteeing the State against loss. Though the plan might not be impracticable, he feared that there would be great difficulties in the way of carrying it out, and that the desired object would not, consequently, be attained. The subject of a guarantee, however, did not necessarily arise on this question, but what brought up the idea of a guarantee was the Report of the Treasury Commission, which suggested very large reductions in the rate of fares. But it appeared to him to be a sounder principle that Ireland, instead of expecting such immediate and sweeping reductions, should look to the advantage resulting from concentrated management and that diminution of fares which a liberal system of management might enable the Government to effect; and then there would not be any reason why the question of a guarantee should arise, for he admitted that it would be possible for the Government to acquire the railways on terms which would not lead to any immediate or prospective loss. The next point for consideration was, if the Government or Parliament ever decided that the Irish railways should be acquired by the State, how was the acquisition to be effected? If any advantage was to be derived from the purchase of the railways by the Government, they must be acquired at a price to render the transaction remunerative to the Government; for any reduction of fares must depend on the profits over the working expenses. Was it possible, then, for the State to obtain the railways at a remunerative price? He was sorry to say that he had some reason to suppose that the directors and shareholders of Irish railways were looking to this operation as a means of giving them a very large bonus on their property. That opinion was founded upon the fact that Captain Tyler went by the direction of the President of the Board of Trade to Ireland, to make an investigation as to the working of the Irish railways, and he made some inquiry of railway directors on his own account. He did not mean to say that Captain Tyler did anything contrary to his instructions; but he inquired as to the probable price the directors would ask for the disposal of certain lines, and the immediate effect was that the railway world came to the conclusion that the Government would buy their railways. The result was an instantaneous rise in the price of railway property, to the extent of at least 7 or 8 per cent, and that showed that Irish railway shareholders looked to receiving a considerable additional value for their shares in consequence of the purchase of the railways by the Government. He did not say that it was possible for the Government to obtain the railways for the actual value at which they now stood in the market; but if they were to be acquired by the Government at all, they must be acquired at no very large addition to their market value at the moment of operation. The Act of 1844, which gave powers to the Government to purchase railways, would not apply in this case, for that Act authorized the Government to buy at 25 years' purchase of the divisional profits when they reached over 10 per cent, and there was not any railway in Ireland dividing 10 per cent. That Act also enabled the Government to purchase railways by arbitration, and the Bill of the hon. Member for Galway would do no more, for it simply provided that the Government should announce their intention to buy the railways. Experience, however, did not give the Government any great hopes that arbitration would place the railways in the hands of the Government at a price commercially remunerative. For instance, the telegraphs had to be purchased on the terms fixed by the Act of Parliament, or by arbitration; and though arbitration gave to the shareholders much smaller sums than they asked, yet the House was aware that the Government had to pay very large sums in pursuance of arbitration. It therefore appeared to him that no scheme which provided that the buying price should be settled by arbitration would give security to the country that the purchase would be effected on reasonable terms, and that the only practical course for the Government to pursue was to deal with the railway shareholders of all classes for the sale of their property. Then, again, the Act of 1844, as well as the present Bill, only enabled the Government to deal with one class—namely, the ordinary shareholders, who would, no doubt, be ready to sell their property; but the Government, if they purchased it, would be liable to all the claims arising out of preference shares and debentures. Now, if the Government determined to buy the ordinary stock, the value of the debentures and preference shares would rise enormously, for it would be left on the hands of the Government, bearing a high rate of interest, and yet with a perfect security. It was therefore necessary, in order that the Government might be able to buy not only the ordinary shares, but also the preference shares and debentures, at their worth in the market, that negotiations should be entered into with the railway companies for the purpose of obtaining a clear statement of the terms they demanded, and then the first preliminary step would be the passing of an Act of Parliament to enable the preference shareholders and the debenture holders to act in something like a corporate capacity, so that the decision of the majority should bind the minority. It therefore appeared to him that those who took an interest in the matter would best facilitate the attainment of their object by impressing this view on the owners of Irish railway property, and by convincing them that upon the moderation of their demands must depend the question whether the acquisition of the Irish railways by the State could ever be entertained or not. He wished emphatically to state that the Government were not able to lay any scheme on the Table of the House; for until they had made up their minds on the matter, they never would venture, under any circumstances, to go into the operation blindfold, and it would entirely depend on the terms asked by the railway companies whether any definite proposal should be made to Parliament. With respect to the Bill which had been submitted to the House, he thought that there was much in the objection of the hon. Member for Rochester, that it was unusual for a Bill dealing so largely with public funds to be introduced by a private Member, and he believed that there were certain clauses in it which could not be introduced without the consent of the Government, and he was not aware that that consent had been obtained. He supposed, however, that his hon. Friend had no intention of pressing the Bill to a division, and if his object were merely to obtain a full discussion of the question, the hon. Member deserved the thanks of the House. He therefore trusted that neither the Motion nor the Amendment would be pressed to a division, as such a course might pledge the House in a way which would not be desirable.

MR. KAVANAGH said, he must compliment the hon. Member for Galway (Sir Rowland Blenerhassett) for his able and instructive speech, which did not deserve the epithet weak, applied to it by the hon. Member for Rochester (Mr. Goldsmid), whose arguments in reply rather merited that description, for in mixing up England and Scotland with this question, the hon. Member put up nine-pins to knock them down again. The hon. Member for Galway, he thought, had made out a clear case, and he should support the hon. Member if it were necessary to go to a division, which he hoped it would not be. The reply of the Chief Secretary was, on the whole, more satisfactory than he had expected; but he must express his regret of the way in which the noble Lord spoke of future Sessions, looking, as it were, down a long vista into a remote futurity. He said he would not introduce a Bill this Session; next Session he could not; and three years hence was a long time to look forward to. But indefiniteness had characterized all Ministerial utterances on this question; the Ministry had always held out delusive hopes; they ought not, however, to treat in this way a scheme to which it was admitted there was an absence of objection, and which the Prime Minister had described as free from the taint of partiality. After receiving such encouragement, it was too bad that those who advocated this measure from sincere conviction should be put off by these repeated postponements. Ample time had been found in recent Sessions to legislate in an exceptional manner for Ireland, and to pass Acts which would have a tendency to set class against class; and he thought the hon. Member for Rochester, who said he had opposed exceptional legislation, had been a stannch supporter of those measures. [Mr. GOLDSMID said, he was not in the House when those measures were passed.] At any rate, time had been found for such legislation. He complained that a measure approved by every class in Ireland, and presenting the singular characteristic of being the only proposal ever brought before the House which Irish Members had been able unanimously to support was from time to time postponed. The noble Lord had referred to the question of Home Rule. Whatever his opinions on some points might be, he (Mr. Kavanagh) was not such a supporter of that movement as some hon Gentlemen opposite; but if anything could induce him to give his support to it, the course taken by the Government on this question would do so. Therefore, while he should support the hon. Member for Galway, he would rather the Motion were not pressed to a division, because, small as was the comfort given by the noble Lord, he would prefer not to embarrass the Government by a vote of the House on this question.

Mr. O'REILLY held the Irish Members were not open to the charge made against them by the hon. Member for Rochester (Mr. Goldsmid), of perpetually advocating exceptional legislation, and defended the hon. Member for Galway (Sir Rowland Blennerhassett) from the imputation of being ignorant of French and Continental railway management. If we wanted to compare State management with private management, we must go not to France, where the lines were leased by the Government to companies for varying terms, but to Germany and Belgium. In those countries there was full accommodation for passengers, particularly for the second and third classes, which were the mainstay of railway revenue, though, perhaps, there was less first-class accommodation than in England; but there was no country in Europe in which the accommodation for goods traffic was equal to what it was on Rhenish railways. The lowest rate at which coal had been carried in England, even during the strong competition of two years ago, was ·26 of 1*d.* per mile; but the ordinary rate for coal on the German railroads was ·20 of 1*d.* per mile, while the rate came down as low as ·15 of 1*d.* Competition on the same line could only be carried on by means of running powers; but as the running company had to pay 80 per cent to the owning company, they would not be used for a lengthened period. Real competition must be between two railroads to the same places, and that involved much waste. What was the result of competition in its best form in England? There was competition, for instance, between London and Liverpool and Manchester, and for those towns three or four half-empty express trains started every day at the same hour. Was that for the benefit of the public? If the railways were in one hand, would not express trains be run at different hours? Again, with regard to goods, there were cases in which they travelled round a needless circle of 20, 30, and even 50 miles, at rates determined by a shorter route, causing an absolute loss as to time, and unnecessary wear and tear. These facts were adduced in favour of amalgamation, and there could be no doubt that if the railways from the North were amalgamated, one set of lines would be devoted to goods, and another to passenger traffic. It had been said that there were many among the shareholders who hoped to sell the insolvent lines to the Government at a remunerative price. No single Irish Member of any Irish Board had ever made such a suggestion. The first proposition they had ever made was, that the lines should be made over at the present commercial value, and therefore the suggestion vanished into thin air that they wanted to give a bonus to insolvent companies. Then, his hon. Friend said he protested against any exceptional legislation in this matter in Ireland, especially with regard to guarantees; but he was rather late in coming into the field with this protest, because guarantees had existed for 15 years. The Midland Great Western line of railway, from Athlone to Galway, had been made on a territorial guarantee, which was cheerfully borne by the ratepayers, save a question as to the amount; and an Act had been passed giving power to local grand juries in Ireland to guarantee the expenditure on railways. He quite agreed that the risk should be carried out in such a way as to be no substantial risk; but that did not alter the fact that they did not wish in any way to put their hands in the pockets of their fellow-taxpayers of England and Scotland. His hon. Friend spoke of this purchase as if it would add so much to the Debt of the country; but it was not like the National Debt, which was spent and gone; it was rather like a man borrowing money to purchase property, and was not the incurring of any charge to the country. Then, coming to the question whether it was for the advantage of Ireland that the management of the whole of the railways in Ireland should be in the hands of the State, he said the interests of the shareholders were by no means the same as the interests of the general public, for if the carriage of goods at 2*d.* a-mile produced £100, it would be for the interest of the shareholders to retain that, so long as the reduction of the rate to 1*d.* would only produce £90, though the difference of £10 would by no means represent the gain to the public at large. In fact, the interest of the public was opposed to that of the shareholders, which meant obtaining the highest rate of dividend possible; if, however, the Government owned the lines, greater accommodation would be given, and he believed the railways would be better managed in the hands of the State than by the present agency. No doubt, amalgamation in Ireland would proceed as it had proceeded in England, by the great railroads eating up the smaller ones; but the larger would never amalgamate with the whole of the smaller lines. And so long as there was not this complete amalgamation, there would be always competition between the several companies, and that competition had ended in this—that, while the traffic of the country tended from West to East, it was the interest of the railway companies, though it was adverse to the interests of the nation, to cut off the cross traffic from North to South. The results of that condition were these—that a passenger or a pound of butter at Wexford, in order to reach South Wales, must come round by Dublin. Were the lines, however, in the hands of the State, traffic would speedily circulate in its natural channels to the advantage of the public, and the rates would be diminished to the lowest paying point. What that reduction might be was shown by the fact, that on comparing the present rates in England and Ireland, he found that coal was carried 100 miles in Ireland for 7*s.* 2*d.*, and in England for 4*s.* 10*d.*; and the 25-mile rate in Ireland was 4*s.* 4*d.*, with a minimum of 2*s.* 6*d.*, while in the centre of England coal was carried 25 miles for 1*s.* 6*d.* Then, beer was carried from Tralee to the Curragh for 2*d.* a-mile, from Dublin to Mullingar, 50 miles, for 11*s.* 6*d.*; whereas it was carried from Burton to London, 130 miles, for 14*s.* That showed, not that it was the direct interest of the Irish shareholder to diminish his rates at present, but it showed that a paying rate might be instituted at far less than the present rate, and that was the key note of the difference. The statement of the noble Lord the Chief Secretary in dealing with the subject was satisfactory, because practical; he said the Government was prepared to take steps with a view of putting the nation in a position to purchase the railroads; and no Government would be likely to declare an intention to facilitate a purchase which did not at all contemplate making it. The declaration indicated that the Government seriously intended to consider this as a practical question. The noble Lord was right in saying that no plan had been proposed by responsible persons in Ireland with definite details for the guarantee of any contingent loan; but he had received a representation from the grand jury of his county advocating the purchase, and expressing the opinion that the liability for a contingent loan should fall upon Ireland. For such a purely Irish purpose the Irish people would never ask England to recoup any loss. The suggestion of the noble Lord was a very rational and practical one, for arbitration always went against the State, the powers of the Act of 1844 were insufficient, and the security of the preference shareholders and bondholders would be immensely increased the moment the Government bought up the ordinary shareholders. There must consequently be a power of purchasing those liabilities at their intrinsic value. He remembered an illustration of this difficulty in the case of a short English line with £28,000 share capital, but with preference capital and Lloyd's Bonds making up the amount to more than £1,000,000. A great company desirous of purchasing the concern, found that it could only be effected by an Act providing that the majority of each class of creditors should bind the minority. There would, however, be few cases of that kind in Ireland, for nearly all the lines of any length were paying 5 or 6 per cent. This was a question of local advantage, which should be decided by those personally interested, and though it did not provoke popular demonstrations, the noisiest stream had not always the deepest current, and educated and intelligent opinion was strongly in favour of this policy. He hoped, therefore, that before long the Government, disregarding abstract considerations as to the general purchase of railways, would see their way to the purchase of the Irish lines.

Mr. CHICHESTER FORTESCUE said, he had not understood his noble Friend the Chief Secretary for Ireland to give any pledge to the House that Government would introduce a Bill on this subject; and it was only fair to the House and his noble Friend that he should take an opportunity of setting that right. The hon. Gentleman (Mr. O'Reilly) was quite right in saying that if the noble Lord had pledged the Government to bring in such a Bill, it would be impossible for the Government to draw back, unless the terms demanded by the companies were such as the Government would not be justified in giving. The noble Lord's observations had tended very much to clear the ground for the future, for he had simply laid down rules, in which he (Mr. Chichester Fortescue) quite concurred, which must govern any action in the matter. Both duty and inclination had led him to look closely into the matter, and he agreed with his noble Friend that for practical purposes the recommendations of the Treasury Commissioners as to a great and immediate reduction of rates must be set aside, for those recommendations were so alarming as to give little inducement to the Government to embark in the undertaking. If it was ever entered upon, a reduction of rates must be gradual, and must result from economical management. He also agreed with his noble Friend that the Act of 1844 was quite inapplicable, and he believed no fixed terms of compulsory purchase could be laid down beforehand. The companies—if they were ever to be dealt with—could only be dealt with singly, to see whether any reasonable terms would be accepted, such terms protecting the State from loss, and not much exceeding the market value. The discussion had been somewhat theoretical, for nobody could tell what the final conclusion would be; but it had laid down certain lines which must certainly be followed; it had simplified the issue, and had facilitated a positive announcement of policy one way or the other, which in the interests of the public and of the shareholders ought not to be very long deferred. The Government were not yet able to make such an announcement,

nor had they been able to invite Parliament to discuss the subject; but the question was in a better condition for solution one way or the other, than he had remembered it within the last few years, and the discussion so ably opened by the hon. Member for Galway (Sir Rowland Blennerhassett) had tended to this result.

Mr. M. T. BASS said, he was anxious for the serious consideration and early solution of the question. He had for many years been a strong advocate for the purchase by the State of all the railways in the three Kingdoms, believing that that would be to the advantage of every class of the community. He should expect from it a saving of at least 20 per cent. Having paid last year £140,000 for railway carriage, he might be thought an interested party, but so far from being hostile to railway companies, he held shares in the principal lines. Considering that the amount of business of all the Irish railways was less than half what was transacted by the London and North Western line alone, he did not see that there would be much difficulty in taking the whole of the railways and placing them under one central management, a course of proceeding which would obviously be very economical, and would materially benefit the commercial interests of the country. He believed the Belgian rates for merchandize were at least 30 per cent lower than the English, and 50 per cent lower than the Irish. This difference must seriously interfere with the commerce in low-priced articles. A Committee or Commission possessing the confidence of the country might have the general direction of railways, and the united abilities of railway managers, in whom he had found great ability and business aptitude, might effect a reduction of rates by 50 per cent within two years. He was confident that sooner or later this measure would be adopted.

Mr. SYNAN urged that the longer this question remained unsettled the argument that Irish interests were disregarded by the British Government and Parliament would be held to have great force. He was sure the hon. Member for Rochester (Mr. Goldsmid) had not intended to impute any personal motives to Irish Members for their conduct in this matter. [Mr. Goldsmid disclaimed any such imputation; he had simply said that they urged the interests of their constituents, as every Member was bound to do.] The Reports of Commissions issued in 1867, 1868, and 1869 had all recommended this measure, provided the Imperial Revenue did not suffer; the only misgiving expressed in the first Report being that it would provoke a demand for the purchase of the English and Scotch railways. The hon. Seconder of the Amendment (Sir Thomas Bazley) had enforced self-help as the great hope for Ireland, but it was an insult to recommend self-help in this case, for Parliament alone was able to give effect to the wishes of the Irish people. The only fault in the speech of the noble Lord the Chief Secretary for Ireland was, that it gave no pledge; but its tone was favourable to the plan, and he had fairly stated that the Act of 1844 was inefficient, and that there would be a difficulty in dealing with the companies' creditors. Captain Tyler's visit, it appeared, had not been encouraging; but much depended on what companies he sounded, for there were some which were so bound up with English lines that they would not sell on any terms. In 1866, when the late lamented Lord Mayo gave a less promising answer than that given to-day by the noble Lord, the present Prime Minister, then in Opposition, said no greater boon could be conferred on Ireland than the development of its railway system, which was free from some of the complications of the English system. He could only infer from that remark, and from the speeches made on behalf of the Government to-day, that the majority of the Cabinet were favourable to the plan, but that they were held back by hon. Members on the Ministerial side of the House, and by an evil genius among their own Members which paralyzed their action. He knew of nothing that could tend more to develop the material resources of Ireland, or that could bind Ireland closer to the Imperial Government, than to carry this proposition; but if this thing remained unsettled, notwithstanding that the Irish people were unanimous on the subject, and notwithstanding that a guarantee had been offered against loss to the public Exchequer, it would exhibit the most melancholy and unstatesmanlike want of capacity and power that could be shown by any Government.

MR. M'LAREN: Sir, I wish to say a few words on this important subject. The noble Lord the Chief Secretary for Ireland has stated that the Irish railways can be exceptionally dealt with without affecting England and Scotland. Now, I entirely deny that proposition. I say that the thing is impossible. The speech of the hon. Gentleman the Member for Derby (Mr. M. T. Bass), who contended that the railways all over the United Kingdom should be purchased by the State, is, I admit, perfectly logical, although I do not concur in his opinion. That is a simple question, but there is a distinction to be drawn between it and the proposal now before the House. The noble Lord stated clearly that he would not willingly be a party to purchasing these railways, if they were purchased at all above their fair and commercial value. But what is the fair and commercial value of anything? Changes occur from day to day. The commercial value of the railways in Ireland will, in consequence of the speeches made on behalf of the Government with regard to this subject, be £200,000 or £300,000 greater to-morrow than they are to-day; and should Her Majesty's Government bring in a Bill next Session for the purchase of the Irish railways by the State, their commercial value will be £500,000 more than it was previously to the announcement of such a measure by the Government. Therefore, when you say you will purchase the railways at their fair and commercial value, you are doing very little in the way of security. The noble Lord the Chief Secretary also dealt with the preference shareholders and bondholders. He said he should ask for power, if anything were done, to call a meeting of the preferential shareholders and bondholders, and to bind the minority by the vote of the majority. That no doubt looks specious, but as a scheme for getting at the real commercial value of the concern, it is altogether imaginary and delusive. The noble Lord seems to think that the majority of the shareholders will be perfectly prepared to sell the shares at their real value without any view to prospective advantage; but, surely, that is contrary to all experience in the world. Of course, the great majority of the preference shareholders will so act as to get the highest possible price for their shares, and so will the bondholders. If you give a great deal more for these railways than they are now worth, the result will be that, under any system of management, the loss will be greater than it is at present. How, then, could that be done without affecting England and Scotland? I hold that the thing is quite impossible. Any deficiency which may arise must be made good more or less directly out of the national Exchequer, and therefore Scotland and England will have to pay their proportion of the loss. The hon. Member for Longford (Mr. O'Reilly) gave us a good illustration of the effect which would be produced. He said the interest of the present railway companies was to get the highest possible dividend, but that if the Government owned the lines, it would be their interest to accommodate the public to the greatest possible extent. But how was any deficiency to be made good if not out of the national funds? We know very well from the Returns that, as a matter of fact, the railway fares are generally the same in Scotland, England, and Ireland—namely, 1*d.* a-mile third class, 1½*d.* a-mile second class, and 2*d.* a-mile first class. Now, are the people of England and Scotland to be taxed indirectly in order that their brethren in Ireland may be enabled to travel ½*d.* a-mile? Yet, that is what the argument of the supporters of this Bill inevitably leads to. ["No, no!"] I am perfectly aware that that is not asked for, and I am also aware of all the safeguards which are proposed. Therefore, I give all hon. Gentlemen who support the measure full credit for the most pure and upright motives; but, at the same time, I may remark that they are liable to prejudice and hallucination, which may lead them further than they intended. Indeed, I feel strongly that such would be the case. By way of example, let us take three great railway companies in the North. There is the North Eastern Railway from York to the Borders; the North British Railway, which is an elongation of it; and the Caledonian Railway, which runs to the remote Highlands. Take these three railways, and you will find that the mileage of them is greater than the mileage of all the railways in Ireland. How, then, are these companies constituted? I had the honour of being a director of the North Eastern Railway for a great number of years, and therefore I know something about it, and about railway management generally. That great company absorbed all the little companies round about; the North British did the same; the Caledonian did the same; and why should not the Irish companies do the same? Why should they not be absorbed into three great groups, and why should not Parliament help them to do this? The directors of the North Eastern Railway said to those of the small companies—"Your profits for the last year have been so-and-so. We have been able to pay £5 6*s.* 8*d.* per cent. Tell us what you have been able to pay?" The little company says—"We have been able to pay £3 3*s.* 4*d.* per cent." "Very well," say the directors of the large company; "we will bargain on that principle. You shall be held to have an interest in the concern equal to £3 3*s.* 4*d.* per cent—or whatever it may be—and we shall have an interest equal to £5 6*s.* 8*d.* per cent." All the railways were united on this principle, each having an equal interest in the prospective profits. Now, what is there to hinder the railways in Ireland from doing the very same thing? If it be said that some of the railways in Ireland are very badly off, and pay scarcely anything to the shareholders, that, I think, is hardly an Irish question, for most hon. Members are well aware that the great bulk of the stock of the Irish railways is held not by Irishmen, but by persons resident in this country. Consequently, if there be a loss to the shareholders, it falls more heavily on this country than on Ireland. In the course of this discussion, it has been asserted that these are circumstances which prevent the Irish railways from working smoothly. Now, I should be very unwilling to admit that. It would, indeed, require a good deal of investigation to convince me that such is the case, when I find that from the remote corners of the Highlands to London you can travel without any inconvenience, without even a change of carriage, or any trouble whatever. The fact is, that it is the interest of the railway companies to work their lines smoothly, because if they do not do so they cannot fully develop the traffic. The hon. Member for Longford (Mr. O'Reilly) stated that most of the Irish railways pay 5 per cent already. I do not know whether that is the case or not; but all I can say is that if the statement is true, the best course to adopt with regard to the Irish railways will be to leave them alone. I say that the profit will soon increase to 6 per cent, in consequence of the natural development of trade and the wealth of the country. It has been argued from the Report of the Royal Commission that the Government would not have lost by buying up the Irish railways, but that, on the contrary, they would gain £50,000 a-year. But it should be borne in mind that the Commissioners proposed to make large reductions. They admitted that losses would be incurred in the first 11 years, and it was not until the twelfth year that the estimated profit of £50,000 would be gained. Consequently, it would be necessary to put the losses of the first 11 years as a set-off against the subsequent gain; and it is obvious that those losses could not be without their effect on the people of England and Scotland, because if the plan succeeded—and after all it might be a matter of moonshine—the losses would fall just where the general taxation of the country falls. For these reasons, I strongly object to any proposal for the purchase of railways by the State. Knowing as we do the unfitness of Government appointments, and how frequently the Government puts a round man into a square hole, and a square man into a round hole, I think that if the State purchased the railways they would be infinitely worse managed than they are at present, and that the change would be nothing less than a calamity to the nation.

COLONEL WILSON-PATTEN observed that this matter had excited great attention in Ireland. Anybody who looked at the map of Ireland would see that the people there laboured under a disadvantage which was peculiar to that part of the kingdom. One of the great defects of the railway system in Ireland was that there was not that competition between one line and another that there was in England. Without this competition, how were companies to be induced to meet the wishes of their customers? The present system caused great inconvenience to the commercial classes in Ireland, and it was necessary that in some way or other the matter should be considered by the Government. The hon. Member for Derby (Mr. M. T. Bass) had complained of railways in this country; but still, if he were dissatisfied with one company, he could go to another, an advantage of choice which could not be obtained in Ireland. That being so, the question of the Irish railways had a peculiar claim upon the attention of the British Legislature. He understood that the noble Lord the Chief Secretary for Ireland had promised that the attention of the Government should be bestowed upon the matter; and that being so, he (Colonel Wilson-Patten) would recommend the promoters of the Bill to wait and see whether the Government brought forward any proposition next Session upon the subject. Any difficulty that existed in former times did not exist now. The late Lord George Bentinck proposed the very principle embodied in this Bill; but it was opposed by the Government of the day, and by almost every Irish Member. At that time the purchase might have been effected at a very much less cost than now. He did not agree with the hon. Member for Edinburgh (Mr. M'Laren) that any system of amalgamation would meet the evil complained of, because amalgamation would only increase monopoly, and lessen any power of control that there might be. He was entirely in favour of the question to which the Bill related; but, as the second reading of the Bill could lead to no practical result, he hoped the Motion would not be pressed. Meanwhile, however, he would suggest to Irish Members the advisability of moving for a Committee to investigate the evils to which the commerce of Ireland was exposed by the existing railway system.

MR. PIM said, he had listened with satisfaction to the speech of the noble Lord the Chief Secretary for Ireland, because the noble Lord had admitted that Ireland had just ground for complaint on account of the indecision with which the question had been treated, and he had promised that the attention of the Government should be directed to the subject, and that an opportunity should be afforded, at some early day, for such a consideration as might lead to some practical result. He would, however, have been much better pleased if the noble Lord had spoken more definitely as respected time. The right hon. Gentleman who had last spoken (Colonel Wilson-Patten) had referred to the proposal for the construction of Irish railways which had been made by Lord George Bentinck. He (Mr. Pim) might be permitted to remind the House that a much earlier movement had been made in this direction—namely, that in 1839, when the late Lord Carlisle, then Lord Morpeth, was Chief Secretary for Ireland. The Government had previously appointed a Commission to inquire into the subject; and that Commission, after having had surveys made, and various lines laid out for railways in Ireland, had made their Report; and upon consideration of that Report, Lord Morpeth, on behalf of the Government then in power, laid a proposition before the House for the construction of a line of railway from Dublin to Cork, with branches to Waterford and Limerick, the total length of which would have been 213 miles, and the estimated cost was £2,556,000. That proposition was, after long discussion, adopted by the House—the division showing 144 Members for, and 100 against it; but it was never carried into practical effect. Lord Morpeth, in the course of his speech in support of the proposal, had referred to a large meeting in Dublin on this subject, and had read the resolutions passed at that meeting, and he (Mr. Pim) would ask the House to permit him now to read a portion of those resolutions, because he thought they did credit to the foresight of the people of Ireland at that early date, when railroads were in their infancy, and expressed sound views on this important subject. The resolutions stated—

> "That railways, in the hands of individuals or chartered companies, however valuable and important the advantages and facilities which they afford to the public, are necessarily and unavoidably monopolies, and, as such, irreconcilable with the public interests. . . . . . That the advantages and facilities possessed by the Government over individuals or companies, in the accomplishment of such an undertaking [the construction of a railway] are manifest. Capital would be obtained at a much lower rate of interest, and the enormous law costs, and those consequent upon Parliamentary investigation, almost entirely saved. . . . . . Central management would also be found not only the most efficient and economical, but its general effect would be to establish a system of such strict regularity and responsibility, as it would be impossible to attain under the direction of separate local boards."—[3 *Hansard*, xlv. 1069-70.]

The resolution, of which he had just read a portion, was adopted in Dublin in the year 1839. The opinions expressed in it appeared to him (Mr. Pim) to be sound, and to cover the whole ground of the question before the House. Railways were and must be monopolies, and a monopoly ought not to be in the hands of a private individual or a chartered company, to be managed for private profit, but should be controlled by some public authority, and managed for the general benefit of all. On this subject he would, with the permission of the House, read a short extract from the speech of Mr. O'Connell, who then represented the city of Dublin in that House. Mr. O'Connell said—

> "He was very far from admitting that they had acted wisely in England in giving to private individuals a monopoly of these great highways. If there were one principle in law better established than another, it was that every possible accommodation should be given to passengers on the King's high road—that it should be free to all. When the road from Horsham to London was first cut, it was the King's highway, open to all; when it was laid with gravel, at the first stage of improvement, it was still the King's highway; when, in the further progress of improvements, it was macadamized, still it was the King's highway; but another step was made—railways were invented, and they ceased to be the King's highways and public property. They were locked in the bonds of private monopoly."—[3 *Hansard*, xlv. 1099, 1100.]

The opposition to the proposal of the Government was led by the late Sir Robert Peel—a great statesman, but who, in his (Mr. Pim's) opinion, had shown himself singularly short-sighted as respected the future of the railway system, then just rising into prominence. His opposition was founded on the benefit which he expected from private enterprize and competition. That had now been tried, and had covered England with a network of railways, generally well constructed but at an enormous cost—fully one-third more than was necessary. It had constructed railways in Ireland also; but the benefits which were derived from them were not at all such as they ought to be, or as they would be if the railways were properly managed. Competition had, in fact, proved a delusion. Railways were essentially and necessarily monopolies, and no monopoly should be in the hands of private persons or managed for private profit. There were many other monopolies—such as harbours, waterworks, and, he would add, gas-works—all of which he contended should be managed not for private profit, but for the public benefit. Why, he would ask, did they blame the Great Southern and Western Railway Company for not giving the public sufficient accommodation? The road was their own property. The directors were honest men, and did the best they could for their shareholders; and on the whole, so far as the shareholders were concerned, the line was well managed. Did they blame a grocer or a linendraper if he did not give sufficient accommodation, or if his charges were too high? No! they left him, and went to another grocer. But they could not do that with a railway company. They had nowhere else to go to. It was maintained that it would be for the interest of the railway companies, as well as of the public, to afford greater facilities for traffic. That was no doubt true, if they looked to the future — it might, perhaps, be a distant future—but, in many cases, it was the interest of shareholders to look for immediate results, and they could not afford to place the present in jeopardy in the hopes of being compensated by an increased trade hereafter. Irishmen were usually taunted with their divisions; but on this subject they were almost unanimous, and now they were taunted with their unanimity. It was called jobbery. It was said that the Irish shareholders of bankrupt railway companies wanted to sell their property to the State, and the Irish Members wanted to help them! But there was another party in the transaction—namely, the Irish public who used the roads, and who travelled by them; and it was solely in the interest of that public, and not in the interest of railway shareholders, that the present measure was advocated. It was not that Irishmen were unable to manage railroads. He thought that, on the whole, Irish railways were managed as well—that was, as much for the interest of the shareholders—as the railways in England, and the pecuniary results were not very different. The hon. Member for Edinburgh (Mr. M'Laren) had said that the great bulk of the stock of the Irish railways was held by persons resident in England and Scotland. He (Mr. Pim) did not think that statement was correct —at least, as respected the best and most thriving railways—though it might be the case as respected the bankrupt concerns, which had been so often referred to. The people of Ireland asked for the purchase of the Irish railways by the State because they wanted amalgamation and unity of management, and that not for private benefit, but in the interest of the whole community. It had been urged that the various railway companies might unite, and that they ought to do so; and, certainly, if the whole of the Irish lines were amalgamated, and managed by a single Board of Directors, it would not, he believed, be a larger concern, or more difficult to manage than some of the larger companies which now existed in England. But what would be the result as respected Ireland? Would it not place the whole internal traffic of the country under the control of an irresponsible, and, practically, self-elected Board; and would not such a Board be dangerously powerful — an *imperium in imperio* — dangerous to the welfare of the community? To attempt to control the directors of that amalgamated company would be to hamper their powers for usefulness in the attempt to prevent them from doing wrong. If it were a private company, worked for private profit, its directors must do what they considered would be the best for the shareholders, and they could only hope that an enlightened sense of self-interest would lead them to do that which was also best for the public. He (Mr. Pim) had no doubt that the time would come when all the railways in the three Kingdoms would become the property of the State. Most of the arguments for the purchase of the Irish railways applied also to those of England and Scotland; but there were some which were peculiar to Ireland, and among these were the facts that the Irish system stood by itself as a whole, and that the cost of purchase would be only a small fraction of the cost of purchasing the railways of England and Scotland; and therefore the experiment might be tried which, if successful, as he fully expected it would be, would naturally lead to the acquisition by the State of the others also. The purchase of the telegraphs had proved a success, and was now applauded by many who nevertheless said it was radically wrong in principle, but that it worked so well in practice that it was well to set aside the rules of political economy, with respect to the telegraphs. It was nonsense to speak of setting aside the rules of political economy, or of anything working well, which was contrary to its principles. You might as well talk of setting aside the principles of gravitation; but many people argued from false principles when they spoke of political economy, and in particular when they applied principles applicable to open competition to cases of monopoly, in which it was impossible for competition to exist. He was glad to believe that public opinion in England and Scotland was changing as respected this subject, and was coming round to what it had been in Ireland since the question of the construction of railways was first mooted in the year 1839. At all events, the question now brought before the House ought not to be left undecided for any length of time. The present state of uncertainty was very injurious to all parties concerned. But it was unreasonable for the Government to expect the railway companies of Ireland to come forward and offer their lines at a price. The proprietors were not anxious to sell; it was the public who were anxious to buy; and therefore the public, as represented by the Government, should take the initiative in the matter. The means of effecting a purchase would not, he believed, be really difficult. If one or two of the larger lines were bought on fair terms, and the Government stated its willingness to purchase the remainder at corresponding prices, they would all come in before long. But the value was rising, and the railways of Ireland were worth several millions more now than they were worth five years ago, and in five years hence they would probably be worth several millions more than at the present time. Therefore, if anything was to be done, it was for the public interest that it should not be long delayed.

Mr. GREGORY said, the question embraced considerations affecting the public Revenue and the responsibility of the Government. Two very important admissions had been made by the last speaker bearing upon the question as it affected public Revenue; the lines, he said, were fairly managed, and if so, what was to be gained by the Government taking them, and the proprietors of some of them were likely to stand out for high terms. Then it was expected the Government would take the lines with a view to reduce the fares, and upon that the question would arise whether the Government should lower the fares to a loss, and come upon the taxpayers of England and Scotland to make good the loss, that the Irish might travel cheaply. Inevitably, the first demand of the Irish people would be reduction of fares; it would become an election cry, which would be renewed from time to time until some Government in a moment of weakness would give way to it. Next, would come demands for branch lines; complaints would be made that such a town had its branch line, while such another was left to starve for trade. Was the Government prepared to meet those demands? The assertion that England and Scotland would be guaranteed against loss arising from this speculation was a mere assertion; the Bill contained no such guarantee. And having regard to the main question, he thought the Bill was utterly uncalled for by the circumstances of the country. Wages were rising throughout Ireland; her produce was commanding increased prices; and if her tolls were high she was no worse off than England, especially in the case of our Southern lines.

Mr. MAGUIRE said, he must proclaim himself a convert to the proposal contained in the Bill, although up to within the last year or two he had been absolutely indifferent upon the subject. The recent management of the Great Southern and Western Railway, however, had convinced him that, if the railways were not purchased by the Government, it would be absolutely necessary that they should be placed under the control of some central authority responsible to the public. He had recently condemned the management of that line in the course of a discussion on a private Bill, and did not hesitate to repeat that the bad management of its directors made the line a curse and a calamity to the South of Ireland. So blind were they to their own interests, and so careless of the interests of the country, that a petition to afford greater facilities for third-class passengers had been met by a statement that they did not want third-class passengers. They were equally impolitic in their treatment of goods traffic, for importers of grain in the South of Ireland were met with the statement that they had no trucks to carry foreign corn to the North. The importation of corn, therefore, in the South of Ireland was completely stopped. Suspicion seemed to exist in the minds of some hon. Members that the guarantee to England and Scotland would not be honoured by Ireland. On what grounds did that suspicion rest? Local guarantees were honoured in Ireland. It was fair, therefore, to presume that a national guarantee would be honoured. [An hon. MEMBER: Home Rule.] Home Rule had nothing to do with the question; it should be considered wholly apart from Home Rule; and it behoved the Government to pronounce upon the question, one way or the other, at once. It should not be left as a question to be used for party purposes; and nothing could be worse for Ireland than that the question should become a subject for speculation in stocks. The Government would act unwisely if it postponed the matter beyond next year. There was no knowing where the Government would be then. The days of big majorities were gone, and after the next election either the party opposite would have a majority, or the Liberal majority would be so small that it would fall to pieces at the first brush. Nothing, however, would do the Government more service than honest dealing. Let the Government deal with this question honestly and at once, and let Ireland be saved from a threatened agitation; let them bring forward a proposal of their own which would lead to some satisfactory solution of the question, and he could assure the House that the people of Ireland would be found quite willing to bear their responsibilities without expecting any undue assistance from the resources of England or Scotland.

SIR FRANCIS GOLDSMID said, the reply of the noble Lord the Chief Secretary for Ireland was unsatisfactory to the Irish Members because he did not at once pledge himself for the Bill. It was unsatisfactory to others, however, because he had not pronounced decisively against it. One great objection to the proposal seemed to be the price at which the railways would be offered. The hon. Baronet (Sir Rowland Blennerhassett) had computed them to be worth £22,000,000, and then candidly admitted that it would be hopeless for the State to expect to get them for less than £30,000,000—certainly a very moderate profit to be extracted by the fortunate vendors from the public Treasury. Moreover, it was all very well to say that Ireland was willing to bear her own responsibilities in relation to this subject without assistance from the sister countries, but there was no provision to that effect in the present Bill. He (Sir Francis Goldsmid) objected to the proposal, however, chiefly on the grounds — First, that it would enormously increase the patronage in the hands of the Government, and more than undo all that Ministers and Parliament had done towards reducing Government patronage for many years past; and, secondly, that it would add to the business of the House of Commons, and augment the danger of a dead-lock. Endeavours had been made, by altering the Standing Orders and otherwise, but at present with little success, to enable that Assembly to find time for the constantly growing number of matters which required its attention. But what was to be the result if this proposal were adopted? The House would become the Court of Appeal for every passenger delayed in his journey, and for every merchant who thought himself overcharged for the carriage of his goods; the lowering of fares and rates would become a hustings cry; and the country would be in danger of being taxed for the benefit of those who used the railways more than their neighbours. Those were reasons to his mind perfectly conclusive against the Bill.

MR. SCOURFIELD said, he did not wish to see the House reduced to a mere debating society, but if ever there was a question of a practical nature, it was the present one. If he could have foreseen the speech made by the noble Lord the Chief Secretary for Ireland he should have been tempted, had he been in the habit of dealing on the Stock Exchange, to give a practical turn to that discussion by going to buy shares. That was a perfectly legitimate subject for Irish Members to bring forward. As to bankrupt railways, he came from a part of the country (Wales) where they could enter into a competition with the Irish in that respect, and he did not know that Wales might not have its grievance as well as Ireland, if its case were not considered. They must at once face that whole question. He agreed with the hon. Member for Longford (Mr. O'Reilly) that if the Government did not seriously intend to bring forward a measure in unison with the views of the proposer of that Bill, they were scarcely justified in using the language they had held that day. The Government ought to give a distinct and definite expression to their opinions; they had no right to excite expectations among Irish Members by employing vague language which might be construed into a promise, and yet next year they might find themselves no further advanced than they were now.

Sir DOMINIC CORRIGAN said, that in common with the hon. Gentleman who had introduced the Bill (Sir Rowland Blennerhassett), he held that railways were the highways of a country, and ought not to be in the possession of a company any more than its rivers and seas. He was also of opinion that the shareholders in the Irish railways would not be unreasonable in their views; but if they should prove so, he did not consider that they ought to be allowed to stand in the way of a necessary public improvement in Ireland. When any great question in which the Irish people were interested was brought forward in that House they were always told to wait; and no good had resulted from the policy of delay.

Mr. DENISON said, that whatever opinion he might form on the merits of that Bill, he could not deny that the management of the railways in Ireland had been for many years a source of great grievance to that country; and it was, therefore, only natural that the Irish Members should endeavour to throw daylight on that management. It was, however, a very different thing to say that the evils of which they complained were to be met at once by the Government taking over the railways. A proposition of that character and magnitude ought not to be brought forward through the medium of a Bill like the present, unless there was some intention to press it to a division. He objected to a Member of the Government giving a sort of half-and-half answer, as much as to imply that at the present moment they could do nothing in the matter, but if the proposal were persevered with, perhaps in another Session they could give it some support. That had the appearance of political strategy rather than of a serious interest in the question. He concurred with what the hon. Baronet (Sir Francis Goldsmid) had said in regard to the constitutional considerations involved in that measure. Some years ago a proposal was made for an amalgamation between the London and North Western and the Midland Railway Companies, and the question was considered by a powerful Committee, of which the late Sir James Graham was a Member. One of the most experienced of witnesses was examined before that Committee, and on Sir James Graham asking him, whether there was any other consideration which he wished to lay before them, he replied there was but one, and that was, that if those great amalgamations were allowed to proceed he thought they might find the inconvenience of it within the walls of the House of Commons — that the amalgamated companies might become too strong for that House. By a parity of reasoning, if the whole patronage and control of the railways of Ireland, and perhaps also of England and Scotland, were in the hands of the Government, surely the political consequences of such a change must be of the gravest character. Again, remembering the inquiry connected with that subject made some years ago by Mr. Fowler and Mr. Seymour Clarke, he felt satisfied that the difficulties in the way of the Government taking over the railways were far more formidable than hon. Members had any conception of. He hoped, therefore, that the House would not be asked to divide on that Bill, because if they were he thought they must in common prudence vote against it.

Colonel BARTTELOT said, he had been rather surprised to hear the hon. Member for Cork (Mr. Maguire) say, first, that he was a "Home Ruler," and afterwards repudiate "Home Rule" on that occasion, simply, it was to be presumed, because he was anxious to get the money for those railways, and he felt he was not so likely to get it if he presented himself to them as a "Home Ruler."

Mr. MAGUIRE explained that he deprecated the introduction in that debate of the question of "Home Rule," which would be decided on other grounds.

Colonel BARTTELOT said, that he had risen mainly to protest as strongly as he possibly could against the line taken up by the Government in that discussion, and also by those who sat on his own side on the front Opposition bench. It was a monstrous thing at that time of day that Governments should be dishonest enough to lead the Irish people to believe that they were going seriously to consider that question. Irish Members had a right to bring forward anything which they thought in the interest of their country, and English and Scotch Members would readily give them every assistance in their power for the proper consideration of their proposals; but as an independent Member of that House, speaking what he believed to be the sentiment of many other independent Members, he said that when a Government did not mean to do a thing, they should say distinctly that they did not mean to do it, instead of seeking by vague and uncertain language to catch the votes of hon. Members below the gangway. It would be far better to state in plain terms what they intended to do concerning Ireland, whether in regard to railways or religious matters, or any other question; and he protested any against Ministry whatever not dealing as honestly with Irish affairs as with English or Scotch.

MR. M'ARTHUR said, he differed altogether from the hon. and gallant Gentleman who had just spoken, for he believed there was no question more intimately connected with the social welfare and happiness of Ireland than that of the railways, and held that the Government would fail in its duty if it did not take up that subject, on which the most unanimous feeling existed among all classes of Irishmen. When the question was brought forward next year he hoped it would be discussed on its merits, and that the Government would see that it ought to accede to the wishes of the Irish people.

MR. J. MARTIN said, the hon. Member for Cork (Mr. Maguire) thought that the question of "Home Rule" ought not to be introduced into the discussion of that question, but it appeared to him that the question of "Home Rule" for Ireland forced itself irresistibly on the intellect and the feelings of every Irish Member present at that debate. For what did the Irish Members now ask the House to do? Why, to do for Ireland what it was perfectly evident she would do for herself if she had the power. A majority of the Irish Representatives, a great number of Irish Peers, and the public opinion of all classes and sections of the Irish people had declared themselves, not merely now, but for the last six or seven years, in favour of the State owning the roads of the country, including the railways. It was objected by the hon. Member for Edinburgh (Mr. M'Laren) and other hon. Members for Great Britain, that a loss might fall on the taxpayers of England and Scotland in consequence of the administration of the Irish railways by the State; and to that the Irish Members who supported the Bill said that all classes of the Irish people were willing to guarantee the English and Scotch taxpayers against such loss. Was not the entire property of Ireland within the power and control of that Parliament? It was quite easy, therefore, for the hon. Member for Edinburgh to introduce a clause to meet his own objection. The only objection he himself had to the Bill was that, in the present relations between England and Ireland, the State would not be an authority responsible to the public opinion of Ireland, nor sympathetic with the feelings and interests of the Irish people. However, he was quite aware that the public opinion of Ireland had declared itself in favour of that measure. He had in his hand a resolution sent to him to be laid before that House from the grand jury of the county he had the honour to represent (Meath), which strongly supported the purchase of the Irish railways by the Government. That measure had been under the consideration of Committees, or recommended from time to time by the Irish Members, for the last six or seven years; and it was only after the lapse of all those years that the Government woke itself up so far as to say that it would now begin to consider the matter. That fact was, he thought, a very important one to Irishmen with reference to the question of "Home Rule."

MR. O'CONOR then moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. O'Conor.*)

The House *divided:*—Ayes 63; Noes 84: Majority 21.

Yet it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow.*

LAW OFFICERS (ENGLAND) FEES BILL.

On Motion of Mr. CHANCELLOR of the EXCHEQUER, Bill to make better Provision respecting certain Fees payable to the Law Officers of the Crown for England, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BAXTER.

Bill *presented,* and read the first time. [Bill 257.]

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, 18*th July,* 1872.

MINUTES.]—SELECT COMMITTEE—*Report*—Landlord and Tenant (Ireland) Act, 1870.

PUBLIC BILLS—*First Reading*—Corrupt Practices at Municipal Elections* (228); Metalliferous Mines Regulation * (229).

Second Reading—Municipal Corporations (Wards) (199), *negatived;* Ecclesiastical Dilapidations Act (1871) Amendment (211); Public Schools Act (1868) Amendment * (212).

Second Reading—Committee negatived—Consolidated Fund (£8,000,000) *.

Select Committee—Pier and Harbour Orders Confirmation (No. 3) * (202), *appointed.*

Committee—Tramways Provisional Orders Confirmation (No. 4) * (146); Summary Jurisdiction * (200).

Third Reading—Education (Scotland) (222): Registration of Births and Deaths * (223), and *passed.*

Royal Assent—Parliamentary and Municipal Elections [35 & 36 *Vict.* c. 33]; Review of Justices Decisions [35 & 36 *Vict.* c. 26]; Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2) [35 & 36 *Vict.* c. 32]; Elementary Education Act (1870) Amendment [35 & 36 *Vict.* c. 27]; Bank of England (Election of Directors) [35 & 36 *Vict.* c. 34]; Chain Cables and Anchors Act (1871) Suspension [35 & 36 *Vict.* c. 30]; Queen's Bench (Ireland) Procedure [35 & 36 *Vict.* c. 28]; Colonial Governors Pensions [35 & 36 *Vict.* c. 29]; Act of Uniformity Amendment (1872) [35 & 36 *Vict.* c. 35]; Baptismal Fees [35 & 36 *Vict.* c. 36]; Drainage and Improvement of Lands (Ireland) Acts Amendment [35 & 36 *Vict.* c. 31]; Pier and Harbour Orders Confirmation (No. 2) [35 & 36 *Vict.* c. xciii]; Local Government Supplemental (No. 2) [35 & 36 *Vict.* c. xcii].

IRELAND—PARISH OF CALLAN—CASE OF THE REV. R. O'KEEFE.

PETITION.

THE EARL OF HARROWBY presented a Petition from the Rev. R. O'Keefe, Roman Catholic parish priest of Callan, Ireland, praying for redress against the action of his Bishop, the Papal Legate, and the National Education Commissioners, who had removed him, without a hearing, from the patronage and management of certain national schools in that parish, in consequence of his having been suspended by the Roman Catholic coadjutor Bishop of the diocese of Ossory and the Papal Legate in Ireland, which suspension he (Mr. O'Keefe) contended was in violation of the canon law of his Church. He hoped that the noble and learned Lord opposite would offer some explanation of the action of the Education Board. If the Board had acted upon any fixed rules, those rules should be clearly stated. Of course, he did not suppose that his noble and learned Friend would make any reference to the disputes between Mr. O'Keefe and his ecclesiastical superiors.

LORD O'HAGAN said, his noble Friend was quite correct in supposing that he should not at all enter into the question between Mr. O'Keefe and his Bishop. Their Lordships had nothing to do with it. The question before them was, under what circumstances the Commissioners of National Education in Ireland had found themselves coerced to deprive Mr. O'Keefe of the patronage and management of certain national schools in the parish of Callan. The facts were these—The rev. gentleman had been parish priest of Callan, in which there were five national schools, of which, not in his individual capacity, but solely as parish priest, and by tenure of that office he became manager; some disputes arose between him and his Bishop, and it was certified to the Board of Commissioners by the Roman Catholic Bishop of the diocese in which Callan was a parish that Mr. O'Keefe had been suspended in all his ecclesiastical functions, and had ceased to be parish priest of Callan. On receiving that certificate, the Board, by a majority, felt itself compelled to remove Mr. O'Keefe from his various managerships, and to substitute for him the clergyman who, by appointment of his constituted ecclesiastical superiors, had become parish priest of Callan in his stead. In thus acting upon the certificate of the rev. gentleman's ecclesiastical superiors and declining to enter into the merits of the dispute regarding the legality of his deprivation under the canon law, the Commissioners had taken the course they had invariably pursued under similar circumstances. If the clergyman who was manager of a national school—whether a clergyman of the Church of England, a Presbyterian minister, or a Roman Catholic priest, as the case might be—ceased to fill the position by right of which he had been appointed to the managership, the invariable rule of the Board had been to transfer it to his successor. This practice was founded on the view that the clergyman did not become manager for his own benefit, but as a trustee. The trust deed for Catholic schools, which was approved by the Committee of Council in 1851, contained this recital—

> " . . . And the said school and premises, and the funds and present endowments thereof, and such future endowments in respect whereof no other disposition shall be made by the donor thereof, shall be directed, controlled, governed, and managed in manner hereinafter specified—that is to say, the priest or priests for the time being having care of the congregation assembling for religious worship at the Roman Catholic church or chapel of St. , in the parish of aforesaid, under or by virtue of faculties duly received from or confirmed by the said Roman Catholic Bishop or his successor, so long as such faculties shall be subsisting and unrevoked."

The senior member of the Board, Dr. Henry, who was President of the Queen's College, Belfast, and a distinguished member of the Presbyterian communion, was unable to be present at the meeting which decided on Mr. O'Keefe's removal; but he had since written a letter on the subject, in which he said—

> "I believe the Commissioners have no course left them but to recognize Mr. Martin as manager of the schools, now under the management of the Rev. R. O'Keefe, whose ecclesiastical suspension is notified to the Board by the Roman Catholic Bishop of Ossory, and also by the Inspector, Mr. Harkin. The uniform practice of the Board has been to recognize in the case of any deposed clergyman, as his successor in the office of manager of schools, the clergyman who may have been ecclesiastically appointed in his place to exercise spiritual functions. The Commissioners having before them official notification on these points in the present case are, in my opinion, bound to accede to the request of Mr. Martin, unless they are prepared to involve themselves in investigations (*ultra vires*) of the reasons, grounds, justice, or injustice of ecclesiastical censures. Mr. O'Keefe may have appealed to legal tribunals, but that does not alter our position as Commissioners; for it is clear that no legal decision or any issue that would be sustained in a court of justice could reinstate him as parish priest contrary to ecclesiastical jurisdiction. The simple fact of the notification of deposition by the Moderators of the General Assembly or of its Synods has always been held by the governmental and legal authorities as deprivation of official standing."

There had been more than one precedent for the course pursued by the Commissioners in this case. It was perfectly plain that the rule universally acted upon by the Commissioners was reasonable; and it had the approval of such eminent members as Lord Monck; Mr. Gibson, the Queen's Counsel; Judge Longfield, and Baron Fitzgerald. It was not to be supposed that such men would do anything but what was reasonable and just—and right or wrong, the Commissioners of National Education, in deposing Mr. O'Keefe from the managership of the national schools in his district, without fear or favour, endeavoured to discharge their duty. Supposing that a Roman Catholic became a Presbyterian, or a Presbyterian became a Roman Catholic, was the trust reposed in him in the former circumstances to be continued in the latter?

Petition *ordered* to lie on the Table.

MUNICIPAL CORPORATIONS (WARDS) BILL—(No. 199.)

(*The Earl of Morley.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY, in moving that the Bill be now read the second time, said, that it had been sent up to their Lordships from the House of Commons, where it had been fully discussed; and he was therefore sorry to find that the noble Marquess opposite (the Marquess of Salisbury) had given notice of his intention to move its rejection. The object of the Bill was to facilitate the division of municipal boroughs into wards, to increase the number where wards already existed, and to re-arrange their boundaries; it proposed also to give power to alter the number of aldermen and councillors for the borough, or for the several wards; and to make regulations as to their continuance in office—and other similar purposes. The Bill provided that this might be effected on specified application and inquiry, and upon such conditions as might be thought fit by means of an Order in Council;—the order was to be laid before Parliament as soon as might be after it was made. The ground of objection he understood to be that, in the opinion of the noble Marquess and those who acted with him, it would lead to a principle known on the other side of the Atlantic as "jerrymaundering"—in other words, readjusting the boundaries of wards in order to suit the purposes of political parties. But the Government disclaimed anything like a political or party feeling in connection with the measure.

Moved, "That the Bill be now read 2ª."—(*The Earl of Morley.*)

The Marquess of SALISBURY said, the case against the Bill was simply this. By the Municipal Corporations Act, passed in 1859, the machinery for altering the boundaries of wards could not be set in motion except by the vote of two-thirds of the town council; and upon application the boundaries were arranged by a barrister appointed by the senior Judge on Circuit. Under such a system the boundaries were constructed in a judicial spirit, and not in furtherance of any political motive or object, and could not be altered without the consent of the majority of the governing body of the borough. The Government said this system did not work—if it were so, the reason was that two-thirds of the town councils had never been of opinion that it was desirable to put it in motion. But the noble Earl opposite (the Earl of Morley), who had confidence in everything—even in the Privy Council—thought that a minority of the town council and the Privy Councils would be better judges in the matter than two-thirds of the town councillors—for by the Bill a minority of one-third of the town council could set the Privy Council in motion, and the Council would have uncontrolled power to alter the boundaries of the wards. If this was not a political matter, it was a very strange thing. To give the Secretary of State, at the instance of one-third of that body, power to re-arrange the boundaries in opposition to the wish of the majority, would be a dangerous increase of the power of that functionary, and a perilous step in the direction of centralization; but, considering how thoroughly political these municipal contests were, it was obvious that this power would be made use of to alter the boundaries of wards in such a way as to increase the power or to meet the views of one or other political party. Then if the principle of Government control in the arrangement of ward boundaries were admitted, why should it not be adopted in Poor Law matters and in the affairs of Quarter Sessions? If municipal elections were a mere matter of local interest, why was it that political organizers gave an attention to them but little inferior to that which they bestowed on Parliamentary elections? The fact was that municipal elections had an important bearing on Parliamentary elections. It was not necessary to prove this just after the passing of a drastic measure for the suppression of intimidation and bribery, in which measure Parliamentary and municipal elections were bracketed together. The Emperor of the French, by so arranging boundaries as to bring in rural populations, had been able to obtain majorities in towns which were known to be opposed to his dynasty. The noble Earl (the Earl of Morley) had made use of the word "jerrymaundering," which, owing to our smaller experience in political corruption, had not come into general use in this country—but he was afraid that this Bill would lead to "jerrymaundering." He had a high opinion of the political purity of his noble Friend the President of the Council (the Marquess of Ripon); but his noble Friend might not be an eternal institution, and some future Government, which, unlike the present, might not be free from all the weaknesses and prejudices of humanity, would perhaps yield to the entreaties of a minority of the town council and make a change of boundaries which would be particularly favourable to its own party. The consequence would be that the successors of such a Ministry would feel it to be their duty to redress the vitiated constitution of the borough. In that way a redistribution of ward boundaries would become as regular as a change in the Lords of the Treasury whenever a new Government took office. The result of this Bill would be to expose our municipal institutions to manœuvres which would bring scandal upon them. There was no grievance complained of under the existing system, and their Lordships ought to oppose the Bill because it would extend the system of centralization so as to make it interfere with our local institutions in a manner wholly at variance with the Constitution of this country. The noble Marquess moved that the Bill be read a second time this day three months.

Amendment *moved* to leave out ("now") and insert ("this day three months.")—(*The Marquess of Salisbury.*)

THE MARQUESS OF RIPON said, that some such measure as this had become necessary in consequence of the shifting of the population in many towns. It was well nigh impossible to obtain such a rearrangement under the present law, because the representatives of the wards, whose influence would be diminished if their boundaries were enlarged, always voted against any proposition in that direction. For that reason the requisite majority of two-thirds could never be obtained, however much the rearrangement might be desired by the majority of the inhabitants of the borough. He was personally inclined to agree with his noble Friend opposite (the Marquess of Salisbury) in one part of his objection. He had no desire to have the responsibility of rearrangement of borough boundaries thrown on the Privy Council Office. He could assure the noble Marquess that the Government had no political object in view—no such object lurked behind this Bill; and if the noble Marquess wished, the Government would substitute the Judge of Assize for the Privy Council, and have the rearrangement made by a person appointed by the learned Judge.

LORD CAIRNS said, that while he fully acquitted the noble Marquess of any sinister object, he ventured to doubt whether any large number of boroughs desired this Bill. He could not help thinking that the Bill, although it had the form of a public measure, really savoured of that class of Bills called "local and personal." He should like to know what number of boroughs had asked for the Bill? He thought the Preamble of the Bill might have been made to run in some such words as these —"Whereas a rearrangement of municipal wards in the borough of B"—he would call it by a letter—"would add greatly to the strength of the Liberal interest within this borough; and whereas, by the present law, before such rearrangement can be made, the consent of two-thirds of the Town Council is necessary; and whereas in the said borough of B the consent of two-thirds of the Town Council cannot be obtained; be it enacted that Her Majesty's Government, at the instance of one-third of the Town Council of the said borough of B may proceed to the redistribution of the wards of the said borough of B." That might represent the truth of the circumstances which, in the present case, had led to the introduction of the Bill; although the noble Marquess opposite might be ignorant of those facts. The noble Marquess said that while in many cases the majority of the inhabitants of boroughs were anxious for a change in the boundaries, the majority of the Town Council would not consent to alter the existing state of things. On the contrary, he (Lord Cairns) maintained that if the majority of the inhabitants of the borough were of opinion that a redistribution of the wards would be of public interest, it must inevitably follow in the course of a very few years that a majority of the Town Council would hold that opinion, because, generally speaking, the persons elected would hold the opinions of their constituents. This Bill raised the very same questions as those to which so much importance was attached during the discussions on the Reform Act of 1867. Bearing in mind the close connection which always existed between the municipal and the Parliamentary elections this was nothing less than a Boundary Bill; but a Boundary Bill to be worked at the instance of a minority. He would ask their Lordships whether they thought such a power should be left to be worked by the political party that might happen to be in power?

EARL GRANVILLE said, he understood almost the entire of the argument of the noble and learned Lord to be against the machinery of the Bill, and therefore the offer made on behalf of the Government by his noble Friend (the Marquess of Ripon) seemed to him to have made the argument of the noble and learned Lord scarcely necessary. The noble and learned Lord said that if the majority of the inhabitants of a borough desired a change of the ward boundaries, their opinion must prevail before long, because they would elect the majority of two-thirds of the Town Council necessary to represent their views. But that would not be the case, because under the present system the same councillors would be elected by the wards. He must say that if the offer made by his noble Friend behind him were not accepted there would be some reason for suspecting that noble Lords opposite were actuated by the same political motives which the noble Marquess had attributed to the Government.

On Question, That ("now") stand part of the Motion? their Lordships *divided*:—Contents 56; Not-Contents 77: Majority 21.

Resolved in the *negative;* and Bill to be read 2ª *this day three months.*

ECCLESIASTICAL DILAPIDATIONS ACT (1871) AMENDMENT BILL—(No. 211.)

(*The Lord Egerton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD EGERTON, in moving that the Bill be now read the second time, said, that under the Ecclesiastical Dilapidations Act of last year clergymen were obliged to put their houses in perfect order to enable them to get a five years' certificate of freedom from dilapidations from the surveyor. In pursuance of that Act many applications had been made to the Governors of Queen Anne's Bounty, and loans obtained for the purpose of executing the necessary repairs. It would be obviously unfair that the repayments of such loans should be spread over the long period of 31 years, because it would throw on future incumbents of livings charges which ought to be defrayed by their predecessors. It was with a view to remove that defect in the Act of last year, and to give power to have the period of payment shortened, and the conditions of repayment of advances modified, that he begged to move the second reading of the Bill.

After a few words from Lord CAIRNS,

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

EDUCATION (SCOTLAND) BILL.

(*The Duke of Argyll.*)

(No. 183, 210, 222.) THIRD READING.

Bill read 3ª (according to Order), with the Amendments.

THE DUKE OF RICHMOND moved, at end of Clause 64 (Removal of principal teachers) to insert—

("And within ten days after receiving the copy of such report the teacher may apply to the Board of Education to allow him to be heard before the said Board in defence, and the Board may thereafter allow such further inquiry as they may think right: Provided also, that in the case of teachers of parish schools appointed previously to the passing of this Act the school board may grant to any such teacher so removed a retiring allowance payable during the remainder of his life; and that where such removal shall be occasioned by the infirmity or old age of the teacher, and not by any fault on his part, the school board shall grant a retiring allowance, the amount whereof shall not be less than two third parts of the amount of the salary pertaining to his office at the date of such removal, and shall not exceed the gross amount of such salary, which retiring allowance shall be payable in all respects in like manner as the salary of the teacher: Provided likewise, that it shall be lawful for the school board, if they see fit, to provide for any such teacher, in addition to such allowance and in like manner, a further yearly sum equal in amount to the annual value of any dwelling house and garden to which he was entitled as such teacher, as the same shall be valued by the assessor for the county.")

After a few words from the Duke of BUCCLEUCH,

THE DUKE OF ARGYLL said, he wished it to be understood that the effect of this Amendment would be simply to keep alive the present provision of the law on the subject referred to by the noble Duke (the Duke of Richmond).

Amendment *agreed to.*

Bill *passed,* and sent to the Commons.

INDIAN MUTINY—THE EX-ROYAL FAMILY OF DELHI.

PETITION OF MIRZA ALI KADIR.

THE EARL OF DERBY: My Lords, the Petition which I hold in my hand is from Mirza Ali Kadir, a member of the ex-Royal Family of Delhi, who is now, and according to his own statement has been for the last 12 years detained as a political prisoner in British Burmah. I have undertaken to bring forward his case, and I shall best do so by merely putting before your Lordships the material facts contained in his statement, not going into detail more than is absolutely necessary. The Petitioner states that as one of the Royal Family of Delhi he received a stipend from the East India Company of 3,200 rupees monthly, or something less than £4,000 a-year; and that like the rest of the Royal Family he resided at Delhi within the walls of the Royal Palace. He was there at the time of the Mutiny in May, 1857, when the Sepoys and other insurgents took possession of the city. He affirmed that he took no part, directly or indirectly, in the insurrection and committed no act of hostility against the British Government —pointing with some show of reason to his position as a pensioner of the Company, as *primâ facie* evidence of the probable truth of his assertion. In September, when the British Army retook Delhi, various acts of severity were committed against members of the Royal Family; it being in their name and on their pretended behalf that the insurrection had been got up. He does not go into details on this point, and it is hardly necessary to remind your Lordships that two members of the family were summarily and without trial shot by the officer who had captured them, upon the ground that a rescue was imminent. He asserts that in consequence of these acts, although conscious of his own innocence, he felt alarmed for his personal safety — an apprehension obviously not unnatural. He accordingly withdrew to Paniput, where he remained a few days; but on the proclamation of the amnesty he at once surrendered himself to the British authorities. He further says that no charge was made against him, either then or afterwards, and that the officer conducting the inquiry before whom he was examined admitted as much, but said, that as a relation of the ex-King of Delhi it was necessary that he should be sent out of India. He was accordingly kept in strict confinement in the gaols, successively of Agra, Allahabad, and Alipore. He was thence sent to the Andaman Islands—where, he says, several of his companions died on the way from the rigour of their imprisonment—and subsequently to British Burmah, where he now is. He further affirms that he has never been informed of the nature of the offences imputed to him, and believes that there is nothing against him beyond the facts of his being the nephew of the ex-King and being in Delhi when the rebels held it. He states that with regard to his not leaving Delhi when held by the mutineers, he could not have done so, nor avoided submitting to the insurgent Government without incurring imminent personal danger. He urges, therefore, that his imprisonment is unjust, and that it has been attended with circumstances of great severity. He complains of the unhealthy climate of the place where he is detained, and says he has appealed unsuccessfully to the Indian authorities for redress. He now asks for an inquiry into his case, and into that of others similarly situated, that he may receive a pardon, and have his confiscated property restored to him. I have recapitulated the leading facts or allegations of the Petition, and I may safely leave them to tell their own story. At this distance of time and place, and having no access to official information, it is of course impossible for me to verify in detail the statements, or to say whether they are wholly accurate or are to any extent coloured by the Petitioner's position and feelings. That, however, is less material, since his demand is only for an inquiry, not for a definitive settlement. I am bound to say that unless the noble Duke the Secretary for India is in possession of some facts not known to me which alter the circumstances of the case, I think his claim for inquiry is made out. We are all aware, and must all regret, that in the excitement and confusion which attended the suppression of the Mutiny, many hasty and violent acts were done which in calmer moments would not have occurred—it was not a time when nice distinctions could be made, and anyone conversant with Indian affairs at that time must have come across many painful cases in which the innocent suffered with the guilty. I do not deny that the removal from Delhi of all the members of the Royal Family, whose presence was a perpetual incentive to insurrection, was a measure of political expediency. I do not blame that—indeed, I am bound to say that the authorities could not have done otherwise. Precisely, however, on that account it is not very likely that the circumstances of each particular case were examined with minute attention. It is possible, therefore, and far from improbable, that the story placed in my hands may be literally true. If it is so, I am quite sure your Lordships, and the noble Duke himself, would be the first to admit that the case is one of great hardship and even of great injustice. Even if it is not entirely accurate, even if this unfortunate person showed more sympathy with the insurrection—it is not alleged that he took an active part in it—than he is willing to admit, unless any act of open hostility can be proved, exile and confinement for 14 years in an unhealthy climate are surely a sufficient penalty for an offence which, considering all the circumstances, did not involve grave moral guilt. Pardons have certainly been granted to far less excusable offenders nearer home; and unless some exceptionally criminal act is proved—such as participation in the murder of Europeans—it is monstrous to detain men now for an obscure and doubtful share—even if they had a share—in a civil war 16 years ago. The amnesty proclaimed at the time was certainly intended for all acts which would have been legal in ordinary war. As to any political danger, that is a consideration that has long ceased to operate on men's minds. I now leave the matter in the hands of the noble Duke. I have no other wish except to see such a policy passed as may be consistent with humanity and justice. I do not fear a vindictive feeling after this length of time—the only danger is lest injustice should be done through mere forgetfulness and neglect. The circumstances, as stated, call for inquiry, and in the present state of the matter I ask for nothing more. The noble Earl then presented a Petition of Mirza Ali Kadir, one of the ex-Royal Family of Delhi, at present at Shôaygqueen, British Burmah, complaining of wrongful imprisonment and exile, and praying for inquiry.

Lord STANLEY of ALDERLEY supported the noble Earl's appeal, which he thought was based on good policy as well as on justice. He trusted that the noble Duke would make inquiry into the case not only of the Petitioner, but also into those of the other members of the ex-Royal Family of Delhi, who were detained as prisoners in a most unhealthy climate. A son of the ex-Emperor of Delhi, named Jewan Bakht, was now imprisoned in Burmah, although he could not be held responsible for anything done during the Mutiny, since at that time he was only 11 years old. The ex-Emperor himself, from his dotage and extreme old age at that time, could not be held responsible for that which had been done in his name; and the manner in which he had been treated by England had been most severely commented upon by French and other writers. Taking into consideration the length of time these persons had been imprisoned and the present state of India, he saw no good reason why they should not be released — especially as they denied that they had taken any active part in the Mutiny. If the noble Duke would grant the prayer of the Petition, and would cause due inquiry to be instituted into the cases of all the members of the ex-Royal Family of Delhi who were now suffering detention as political prisoners, such a step would be fully appreciated by the people of India.

The Duke of ARGYLL said, that every endeavour had been made at the India Office, without success, to find some trace of the process under which the person on whose behalf the Petition had been presented by the noble Earl had been sentenced to imprisonment—nor, indeed, was he even acquainted with the name of the person petitioning. Among the list of persons who were receiving small pensions from the Indian Government was a name similar to that of the Petitioner, but he did not think under the circumstances that name related to the individual in question. He only learned the facts connected with the Petitioner from the noble Earl's statement. As it was impossible for him at a day's notice to communicate with the Indian authorities on the subject, he would content himself with stating that he would forward the Petition to the Government of India, with directions that suitable inquiries should be made into the merits of the case to which it referred. The noble Earl, in the course of his remarks, had made use of the argument that, inasmuch as the Petitioner had been a pensioner upon the Government of India before the outbreak of the Mutiny, it was unlikely that he should have joined in the insurrection, and thereby hazarded the loss of his income. He must, however, remind the noble Earl that the whole Royal Family of Delhi were pensioners of the Government of India, and that that fact was no evidence that some of the members of that Family did not take a part in the insurrection. He was now speaking from memory, having no documents before him; but he would appeal to his noble Friend near him, who had been recently Governor General of India, and who was, of course, much better acquainted with the facts, whether a considerable number of our countrymen and countrywomen were not cruelly slaughtered in Delhi, and even in the Palace in that city, and that not one of the members of the Royal Family, although they were all pensioners of the Government of India, extended his hand for their protection. There were many instances in which Indian Princes who had a general sympathy with the objects of the insurrection nevertheless possessed sufficient humanity to protect those individual English ladies and gentlemen who were entirely at their mercy at the time; but no evidence existed to show that such had been the conduct of the Royal Family of Delhi. Indeed, as he was informed, they were universally believed to have evinced a sympathy with the murderers. They were not, then, in the position of ordinary political offenders; but there was strong ground for the presumption that they had really taken an active part in the insurrection, and had given their concurrence to the organization of plans resulting in the outrageous cruelties that had been committed in the city in which they lived.

LORD LAWRENCE said, that the Royal Family of Delhi, down to the day of the Mutiny, had received nothing but good from the East India Company, from whom they enjoyed in the shape of pensions £120,000 per annum. It was impossible to say what precise part any one of them had taken in the Mutiny; but there was plenty of evidence to prove that, with few exceptions, they had all taken a more or less active part in it. The old King of Delhi, on his trial, was shown to have been unaware in the first instance of what was going on, but that from the time when insurrection had spread over a large part of the country he had taken a leading part in everything connected with it that went on in and about Delhi. He (Lord Lawrence) had seen with his own eyes rough copies of the old King's instructions during that period. In fact, it had been proved beyond all doubt that almost every member of the ex-Royal Family of Delhi had taken an active part in the Mutiny. There were certainly two or three exceptions, and those cases were fully inquired into and dealt with accordingly. Indeed, every prominent case was investigated and reported to him. He could not, therefore, understand how this particular member of the Family who had petitioned their Lordships could have been imprisoned without just cause. In dealing with these cases it was only just to remember the horrid atrocities that were committed. He should, however, be glad of an inquiry into the matter. In conclusion, he begged to deny the accuracy of the statement that the places in which the members of the Royal Family of Delhi had been imprisoned were especially unhealthy. Bearing in mind what those men did, and what would be the evil effects of allowing them to come back to Hindostan, he thought it would be an unwise and injudicious course to permit them to return to India.

LORD CAIRNS understood the complaint on behalf of the Petitioner to be that he had received no kind of trial, that no charge had been made against him, and no inquiry instituted into his conduct. No general presumption of the guilt or complicity of the ex-Royal Family of Delhi as a whole, and no horror which was naturally entertained at the acts committed at the time of the Mutiny, ought to deprive that person of the ordinary right of having an investigation made into his case if none had been made already. He did not know what the practice of the India Office might be; but it seemed to him somewhat strange that a member of the ex-Royal Family of Delhi should have been confined in prison or placed under surveillance, and that the fact should not have been communicated to the Government in this country.

VISCOUNT MELVILLE said, that the Royal Family of Delhi at the time of the Mutiny were in receipt of a large pension from the East India Company, and yet at that period the greatest cruelties were committed by order of the King. There could be no doubt that the King and two of his sons had been instrumental in bringing about the massacre of our countrymen and countrywomen; and he thought it would have been justifiable if the utmost severity of the law had been exercised towards the King of Delhi and his two sons.

THE MARQUESS OF SALISBURY, without venturing in the least degree to question the accuracy of the facts stated by the noble Lord who had just spoken, hoped that a prejudice would not be created in the mind of the public—he was aware none would be created in the mind of the noble Duke opposite—against that unfortunate man until it was proved that he had been implicated in those acts. He had heard that, in fact, he had had nothing to do with the atrocities referred to.

THE DUKE OF ARGYLL was understood to say he was in the Palace of Delhi when they were committed.

THE MARQUESS OF SALISBURY remarked that the Palace of Delhi was a large place.

Petition ordered to lie on the Table.

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 18th July, 1872.

MINUTES.] — PUBLIC BILLS — *Resolution in Committee* — *Ordered*—Elementary Education (School Board Loans) *.

Second Reading—General Police and Improvement (Scotland) Act (1862) Amendment * [250]; Military Manœuvres * [251].

Committee — Public Health (*re-comm.*) [215]—R.P.; Custody of Infants * [93], House counted out.

Committee—Report—Merchant Shipping and Passenger Acts Amendment * [216-258]; Railway Rolling Stock (Distraint) (*re-comm.*) * [248].

Considered as amended—Church Seats * [194].

Third Reading—Masters and Workmen (Arbitration) * [213], and *passed*.

Withdrawn—Elementary Education (Elections) * [168]; Larceny Law Amendment * [241]; Prison Ministers * [191].

ARMY—EMPLOYMENT OF SOLDIERS.

QUESTION.

MR. HANBURY-TRACY asked the Secretary of State for War, What steps have been taken to carry out the regulations recommended by the Departmental Committee of 1871 for extending the system of instructing and employing soldiers (so soon as the necessary drills are acquired) in trades and on public works; whether suitable workshops have been allotted to the various barracks on the home stations; whether a qualified officer has been appointed to each regiment to supervise the industrial training of the men, and to look after the workshops, in accordance with the statement he made last year; whether it is now his intention to make the repair of barrack damages and fair wear and tear dilapidations compulsory on the troops; how far it is intended to utilize military labour in the erection of the large number of barracks about to be built; and, whether he will state what additional steps he proposes to take to establish a more uniform system for utilising the spare time of the troops for the public benefit and their own advantage?

MR. CARDWELL, in reply, said, Pioneers of the following trades—namely, carpenters, bricklayers, smiths, masons, painters and glaziers, plumbers, and gas-fitters—have been selected and appointed in each regiment at home. These men, assisted by others who had learnt trades prior to enlistment, have performed a portion of the barrack repairs, and have worked for the Royal Engineer Department. Regimental workshops have been established at some stations by the re-appropriation of accommodation where it could be spared. At other places—the Curragh and Portobello—workshops have been built; and at some other places sites have been selected for the future erection of such buildings. In nine battalions officers have been appointed. In the other cases the time has not arrived at which it has been considered necessary that the appointment should be made. The men work under the direction of the pioneer. By the General Orders of 1871, Nos. 67 and 68, commanding officers are directed to arrange with the Royal Engineers and Control Departments for the repairs and alterations to barracks and the repair of furniture and utensils being performed, when practicable, by the artificers of the regiments, and to give every encouragement to men who can be spared from regimental duty to work in those departments. Endeavours will be made to utilize military labour as far as possible. If when the system is in full work any defects shall be disclosed, requiring further measures to be taken, the necessity will be duly considered.

IRELAND—ROYAL RESIDENCE.

QUESTION.

MR. STACPOOLE asked the First Lord of the Treasury, If he can now state what are the intentions of Her Majesty's Government with respect to the establishing a Royal Residence in Ireland?

MR. GLADSTONE: I beg to say that I have no statement to make upon the matter.

EDUCATION—ELEMENTARY SCHOOLS TIME TABLES.—QUESTION.

MR. MUNDELLA asked the Vice President of the Council, Whether Teachers in Elementary Schools are required rigidly to adhere to the Time Tables approved by the School Inspectors on their official visits, or whether they may, as circumstances require, extend or curtail the time set apart for any secular subject, and, if necessary, substitute another in its place, providing always that the time allotted to religious instruction be strictly adhered to?

Mr. W. E. FORSTER, in reply, said, the teachers in all elementary schools were not required rigidly to adhere to the time tables approved by the school Inspectors so far as secular instruction was concerned. The Minutes of Council of the 7th February defined the duties of the Inspectors. According to the Code, at least two hours must be given to secular instruction. If there was reason to believe that the Inspectors or managers were under the impression that the provision in Section 7 of the Education Act either obliged the Inspectors to stipulate, or the managers to abide by the stipulation, to submit a secular time table, care would be taken to remove that false impression. At the same time, it had for many years been found necessary to make a deduction from the grant if there was any serious fault in the discipline or management, and one fault would be the having an unfit time table.

NAVY—CHANNEL SQUADRON.

QUESTION.

Mr. BOURKE asked the First Lord of the Admiralty, Whether there is any objection to give the inhabitants of the East Coast of England an opportunity of seeing the Channel Squadron this summer?

Mr. GOSCHEN, in reply, said, the Admiralty were always glad that as many parts of Her Majesty's dominions as possible should see Her Majesty's ships. The first consideration in determining the cruising ground for the Channel Squadron was the efficiency of the ships, the best means of drilling them, and generally such a cruise as would best promote the efficiency and discipline of the crews. The wishes of the inhabitants expressed by means of their Representatives in Parliament were only a secondary consideration. He could give no hope to his hon. Friend that the Squadron would visit the East coast of England this summer.

ARMY REGULATION ACT—REGIMENTAL PAYMASTERS.—QUESTION.

Mr. SCLATER-BOOTH asked the Secretary of State for War, Whether it is contemplated to allow regimental paymasters who still hold their former commissions as combatant officers of captain, lieutenant, or ensign, to sell the same either now or on retirement, so as to put them on an equality with combatant officers who had gone to the control department, and who have been permitted to receive the full value of their commissions; and, if not, whether he would state to the House the grounds on which they would not be allowed to sell their commissions?

Mr. CARDWELL: As I repeatedly stated last year, every officer who held a saleable commission was indemnified by the Army Regulation Act. The terms on which the Control officers referred to entered that service were, that if they sold their commissions they lost their right to count previous service towards retirement. Paymasters were entitled to count their previous service, but not to sell their commissions.

ARMY—INDIA—INDIAN SOLDIERS—ISSUE OF BALL AMMUNITION.

QUESTION.

Sir ROBERT ANSTRUTHER asked the Secretary of State for War, Whether, having regard to the recent murder of Captain and Adjutant Laurie, of the 108th Regiment, by Private Butler, he has issued, or intends to issue, instructions to Her Majesty's Forces in India (similar to those existing in England) forbidding the carrying of ball ammunition by the men when off duty?

Mr. GRANT DUFF: The Government of India has not told us that it proposes to make any change in consequence of the murder alluded to by my hon. Friend, and the wisdom or unwisdom of allowing soldiers when off duty to carry ball ammunition depends so entirely upon considerations of which the authorities on the spot can judge and we cannot, that the Secretary of State would be most unwilling in any way to interfere. Of course, the position of the individual soldier in India is quite different from what it is in England, and his danger, if inefficiently armed, is far greater. I can assure my hon. Friend that the Commander-in-Chief in India is quite alive to the importance of the subject.

INTOXICATING LIQUOR (LICENSING) BILL—SECTION 28.—QUESTION.

Mr. WHEELHOUSE asked the Secretary of State for the Home Department, Whether, under section 28 of the Government Licensing Bill, the disqualification of the premises therein mentioned is also intended to apply to the forfeiture of the license; and, if not, whether, in the event of the disqualification order being cancelled, the license will, ipso facto, be available for transfer, as if such disqualification had not occurred; and, if not, whether it be not reasonable that some remedy should be provided in the Bill?

Mr. BRUCE, in reply, said, that in the event of any disqualification of premises, the owner would be in the same position as the owner of unlicensed premises. There being no license, it could not be transferred, but the owner might at the next Brewster Sessions make application for a new license, which would of course be granted or refused, according to the discretion of the Justices.

ARMY—YEOMANRY ADJUTANCIES. QUESTION.

Mr. J. LOWTHER asked the Surveyor General of Ordnance, Whether he has any objection to state the number and names of the regiments of Yeomanry in which the adjutancy has become vacant since the introduction of the new regulations in April last, together with the names of the officers appointed to fill such vacancies, specifying the cases in which the appointment has been subsequently resigned?

Sir HENRY STORKS: I have no objection to give the hon. Gentleman the information he requires. The only regiments of Yeomanry in which the adjutancies have become vacant since the 1st of April, 1872, are the Queen's Own Royal Regiment Glasgow Yeomanry and the Westmoreland and Cumberland Yeomanry. The Queen's Glasgow Yeomanry are not entitled to an adjutant, being under 200 strong. Captain Graham, on full pay, of the 6th Dragoon Guards, was offered the adjutancy of the Westmoreland and Cumberland Yeomanry, and declined it, because the pay was not, in his opinion, sufficient. Captain Edmonds, of the 2nd Dragoon Guards, was also offered the adjutancy of the same regiment, but declined it because his half-pay lapsed. Neither of these officers was gazetted, and therefore no resignation was necessary.

ARMY—EFFICIENCY OF VOLUNTEERS—DRAFT SCHEME.—QUESTION.

Major ARBUTHNOT (for Colonel C. Lindsay) asked the Secretary of State for War, If it is his intention to make the Draft Scheme of Amendments relative to the efficiency of Volunteers prospective from the 1st of December, or whether it is definitely fixed to take effect from the 1st of November, as laid down in section 1 of the Draft Scheme?

Mr. CARDWELL: The drills of November, 1871, will be permitted to count towards efficiency in the year ending the 31st of October, 1872; and in the event of there being men who have not completed their drills on the 31st of October, 1872, there will be no objection to their completing them in November; but in such case those drills must not be counted over again towards efficiency in the following year.

DOMINION OF CANADA—DEFENCE OF THE COUNTRY.—QUESTION.

Major ARBUTHNOT asked the First Lord of the Treasury, If he will, with the concurrence of the Dominion Government, consider the propriety of appointing a joint Commission to inquire into the means of defence at the disposal of Canada as regards forts, armament, and material of war generally; if his attention has been drawn to the following facts, substantiated by the last annual Report of the Minister of Militia and Defence—viz., (a.) That the new forts erected before the withdrawal of the Imperial troops are wholly unarmed; (b.) That the armaments of the old forts are of an obsolete character, with the exception of ten rifled guns, for which there are no serviceable fuzes; (c.) That the amount of ammunition both for guns and small arms is only sufficient for peace requirements, and that there are no arsenals or manufactories of warlike stores in the country; and, whether, considering the geographical position of Canada, Her Majesty's Government are prepared to insist upon that dependency being kept in a proper state of defence, and to offer the Dominion Government every reasonable facility for doing so?

MR. GLADSTONE: I will first give the hon. and gallant Gentleman an answer generally. The engagements undertaken by this country in respect to the defence of Canada have, I think, been fulfilled. That is the general answer I have to make. Coming to the particulars of the Question so far as I think it desirable to enter upon them, I have to state that a Commission was appointed by the Government of Canada to consider the defence of that country. The Commission reported in 1862. I am now referring to the native proceedings on the subject. The Report of that Commission has subsequently been reviewed by the Defence Committee in this country, and we do not see that, under the circumstances, there is any necessity or would be any advantage in our appointing anew a Commission of Inquiry to examine into the means of defence at the disposal of Canada in the terms proposed by the hon. and gallant Gentleman. The Government of this country have asked Parliament, and Parliament has met the request, to pass a Bill for the purpose of guaranteeing the money it is proposed to expend on the forts at various places in Canada. With respect to the intention of the Government of Canada to make use of that guarantee I have no information to give. With regard to the second paragraph of the Question, which relates to matters of military detail, I must leave it to my right hon. and gallant Friend the Surveyor General of Ordnance to reply to it, if it is desired to have a particular reply, which will come with more propriety from my right hon. and gallant Friend than from me. The only other observation I have to make is with reference to the last part of the Question—"Whether Her Majesty's Government are prepared to insist upon that dependency being kept in a proper state of defence, and to offer the Dominion Government every reasonable facility for doing so?" We do not think it is our function with regard to Canada, considering the position and development of Canada, to insist on this or that particular measure with respect to the defence of Canada, as we recognize the full competency and capacity of Canada, and have no doubt of the inclination of Canada to perform what the Dominion Government may think to be its proper duties, and as we believe it to be the best judge of those duties. Our office has been to offer the Dominion every reasonable assistance; that duty we have fulfilled, and we have had every support from Parliament in our endeavour to fulfil it.

IRISH CHURCH ACT AMENDMENT.

QUESTION.

MR. KAVANAGH asked the Chief Secretary for Ireland, When, in accordance with his undertaking on the 6th of May, he will introduce, either in this House or in the House of Lords, a Bill to amend the Irish Church Act of 1869; and, whether he can hold out any reasonable hope of that Bill being passed into Law during the present Session?

THE MARQUESS OF HARTINGTON: A Bill has been prepared embodying the Amendments thought necessary by the Irish Church Commissioners. The Bill had to be considered in certain points by the Treasury, and the Chancellor of the Exchequer regrets very much that, owing to the pressure of business, there has been some delay in considering the measure. I hope, however, the Bill will be approved by the Treasury, and be introduced very shortly in the other House. If it be found acceptable to the various parties interested, I see no reason why it should not still become law.

INTERNATIONAL COMMISSION ON THE METRICAL SYSTEM.—QUESTION.

MR. J. B. SMITH asked the Under Secretary of State for Foreign Affairs, Whether any Communication has been received from the French Government inviting Great Britain to a Congress of Nations on the subject of an International system of Weights and Measures; and, if so, whether the Government propose to send a Representative to the Congress?

VISCOUNT ENFIELD: The French Government have stated that the International Commission on the Metrical System, the sittings of which were interrupted in 1870, will meet again on the 24th of September next. It is understood from the Board of Trade that Mr. Chisholm and Professor Miller will attend as delegates on the part of this country.

CONTAGIOUS DISEASES PREVENTION ACT—FOOT AND MOUTH DISEASE.

QUESTION.

Mr. C. S. READ asked the Vice President of the Council, If his attention has been directed to the prevalence of foot and mouth disease in the Metropolitan Cattle Market, where over one hundred cattle so diseased were certified by competent veterinary surgeons to have been exposed for sale upon four consecutive Mondays, and also to a case at Norwich, in which a Norfolk dealer was fined £50 and £8 4*s*. costs for exposing twenty-five sheep affected with foot and mouth disease on Norwich Hill; and, whether he will reconsider the expediency of maintaining the present regulations under which the district authority rigorously enforces the penalties under the Contagious Diseases (Animals) Act, while the foot and mouth disease, as well as sheep scab, exists in the Metropolitan Market, and is from thence taken to all parts of the Kingdom?

Mr. W. E. FORSTER, in reply, said, the Department had received a letter stating that it was the impression of certain veterinary surgeons that foot and mouth disease had prevailed in the Metropolitan Cattle Market. On inquiry, the local authority of the Metropolitan Market, which was the Board of Works, stated, through their Inspector, that they could not ascertain that the statement was correct. He was inclined to believe they were right in their opinion. As regarded the Norwich case, he understood that certain persons had been prosecuted, and he was glad to find that the authorities at Norwich were determined to put the Act in force. It was not the duty of the Department but of the local authority to put the Act in force. The Department had reason to believe that in London the local authorities were doing all in their power in the matter. The Metropolitan Board of Works had instructed their solicitor to act in the matter, their Inspectors to make inquiries and be vigilant, and the police would be directed to assist them. Since the 1st of January 359 cattle and five sheep had been seized and slaughtered. The hon. Gentleman asked him to "reconsider the expediency of maintaining the present regulations, under which the district authority rigorously enforces the penalties under the Contagious Diseases (Animals) Act, while the foot and mouth disease, as well as sheep scab, existed in the Metropolitan Market, and was from thence taken to all parts of the kingdom." The regulations in the Act he was bound to enforce, and he believed there was a very general desire in all parts of England to enforce them and to stamp out the disease, whenever it was found out. But any attempt to do so by renewing the cordon would, be believed, meet with strong opposition. He trusted the local authorities would put the Act in force to stop the exposure of animals having the foot and mouth disease, to prevent the movement of such animals, and especially to disinfect the markets where they had been.

Mr. C. S. READ, in consequence of the unsatisfactory answer he had received, begged to give Notice that early next Session he would move for the appointment of a Select Committee to inquire into the operation of the Contagious Diseases (Animals) Act, and the constitution of the Veterinary Department of the Privy Council.

IRELAND—LORD LIEUTENANCY OF LEITRIM—THE EARL OF GRANARD.

QUESTION.

Sir THOMAS BATESON asked the First Lord of the Treasury, Whether the Earl of Granard has resigned the Lord Lieutenancy of the County Leitrim, or whether he has intimated to the Government his intention of so doing?

Mr. GLADSTONE, in reply, said, that communications from lords-lieutenant of Ireland were addressed not to him, but to the Lord Lieutenant of Ireland. As he was not aware until two or three hours ago that the Question was to be put, he was unable to give an answer; but if the Question was repeated on Monday he would endeavour to give an answer to it.

Sir THOMAS BATESON: Then, Sir, I beg to give Notice that if the right hon. Gentleman's reply is not satisfactory, I will ask him whether it is the intention of Her Majesty's Government to remove from the Lord Lieutenancy of the county of Leitrim this now notorious disturber of law and order in Ireland?

INDIA—BENGAL POLICE.

QUESTION.

MR. EASTWICK asked the Under Secretary of State for India, Whether a Deputy Inspectorship of Police in Bengal has lately been conferred on a young civilian not belonging to the force, although there were officers of the staff corps of distinction and experience belonging to the force, whose claims to the appointment were entitled to prior consideration; and, whether the present Governor of Bengal has recently decided that the higher posts in the Police Force, viz. those of Inspector General and Deputy Inspector General are not in future to be held by anyone but a covenanted civilian, and if he will lay upon the Table the Paper containing the reasons for this new regulation?

MR. GRANT DUFF: I have heard nothing of the transaction to which my hon. Friend refers. Appointments to vacancies in the Indian police are entirely and exclusively in the patronage of the local governments, and never come under the review of the home authorities. I think it is very probable that some such order as that alluded to in my hon. Friend's second Question has been issued, because such an order would be very much in accordance with the views announced by Lord Lawrence during his Viceroyalty, which views were approved by the then Secretary of State, the right hon. Member for North Devon (Sir Stafford Northcote). No information, however, with regard to the issue of any such order has reached the Secretary of State in Council.

INLAND REVENUE—RAILWAYS.

QUESTION.

MR. LEEMAN, in putting a Question, wished to explain that at present the Railway Companies were not liable to pay duty for third-class passengers carried by trains which stopped at every Station. Railway Companies now, however, were carrying third-class passengers by fast and express trains, and the Government were charging them duty on those passengers. He therefore wished to ask Mr. Chancellor of the Exchequer, Whether the Inland Revenue Office intend to charge Railway Companies the Government Duty on the third class passengers which are being conveyed by express and fast trains?

THE CHANCELLOR OF THE EXCHEQUER: These express and fast trains are not within the exemptions of the Act; therefore, it will be the duty of the Government to collect the tax upon them. This collection is not merely technical in character, but is, I think, just and fair; because it is notorious that the exemptions were granted under an idea which prevailed at the time that it would be a losing business to carry third-class passengers at a penny a mile, whereas it has turned out to be a very lucrative one.

NAVY—WORKMEN IN CHATHAM DOCKYARD.—QUESTION.

MR. OTWAY asked the First Lord of the Admiralty, Whether he intends taking any steps to improve the position of the workmen in Chatham Dockyard?

MR. GOSCHEN: There is a similar Question on the Notice Paper by the hon. Member for Devonport (Mr. J. D. Lewis) for a future day, and I will reply to both Questions at once. I have to inform the hon. Members that a decision has been come to with regard to the labourers, not in Chatham Dockyard only, but in the dockyards generally, which I trust will be satisfactory, and which will be communicated to them, I believe, by Saturday morning.

IRELAND—GALWAY ELECTION PETITION—MR. JUSTICE KEOGH'S JUDGMENT—QUESTION.

MR. DISRAELI: With regard to the consideration of the Judgment of Mr. Justice Keogh, I think it would be convenient if the right hon. Gentleman the First Lord of the Treasury would inform us, Whether he has decided on the course which Her Majesty's Government will take on that subject?

MR. GLADSTONE: I have no announcement to make at present beyond the fact that Thursday, as I have stated already, will be devoted to the consideration, so far as it may be necessary, of that question, and I will take care, with respect to other matters, that due notice is given. My right hon. and learned Friend the Attorney General for Ireland (Mr. Dowse) is still engaged in considering the important questions referred to him by statute. I am able to state that he will, not later than on Tuesday, announce to the House the course he intends to take.

Mr. DISRAELI: My object is merely to prevent misconception, and my Question was put in consequence of what I understood to be the promise of the right hon. Gentleman that he would give Notice of a Resolution if the Government decided upon bringing one forward. It may be for the convenience of the House to know certainly that on Thursday, the 25th, the opinion of the House will be asked upon the question; because if Her Majesty's Government, upon reflection, say they are of opinion not to propose a Resolution, an hon. Member of this House will avail himself of the offer of the right hon. Gentleman to postpone the Orders of the Day and give precedence to a Motion asking the opinion of the House upon the subject.

Mr. MITCHELL HENRY: I should like to ask the right hon. Gentleman, whether it is not the case that the hon. and learned Member for Limerick (Mr. Butt) has had for some time a Motion on the Paper which raises the whole question, which he has been and is most anxious to submit to the judgment of the House.

Mr. GLADSTONE: If there is such a Motion on the Paper, it is hardly within the rules for me to announce that it is so. I do not think it is part of our duty to determine, as between different independent Members, what Motion shall have precedence.

Mr. DISRAELI: Speaking to a point of Order with regard to this Question, I beg to remind the hon. Member opposite (Mr. M. Henry) that the Notice of Motion of the hon. and learned Member for Limerick is given for a day when Motions are preceded by Orders of the Day, which are at the disposal of the Government. Certainly I understood—I believe it was the general impression on both sides of the House—that the offer of the right hon. Gentleman was that the Orders of the Day would be postponed in order to give precedence to a Notice of Motion by which the opinion of the House might be asked upon the Judgment of Mr. Justice Keogh. I do not think it was understood at the time that it was an offer which referred to a Notice of Motion which had already been given, and which was to come on after the Orders of the Day.

Mr. GLADSTONE: It neither referred particularly to the Notice of Motion, nor did it exclude that Notice of Motion. We will give an opportunity for the discussion, and it is not for me to say that the question should not be discussed upon any Notice which had up to that time been given.

PARLIAMENT—ARRANGEMENT OF BUSINESS.—OBSERVATIONS.

Mr. GLADSTONE: I shall propose that the Order of the Day for the resumption of the adjourned debate on the second reading of the Military Forces Localisation Bill, which is the second for to-night, shall be read, in order to be postponed to Tuesday next at 2 o'clock. I do so in the hope and expectation, which we have been encouraged to form from communications with Members of the House interested in the Public Health Bill, that if we apply ourselves assiduously to the clauses of the Bill, and if hon. Members will allow the dimensions of their speeches to be considerately influenced by a recollection of the period of the year and the general desire felt for an early termination of the Session, we may be able to close the Committee on the Bill in the course of this evening. In that case we shall desire to proceed on Tuesday with the Military Forces Localisation Bill, which it is our absolute duty to submit to the judgment of the House, as being in our opinion part of the military arrangements of the year, and as having been already in its principle and substance accepted by the House, and concurred in by the arrangements already made.

Sir JOHN PAKINGTON: Is the House to understand that the Military Forces Localisation Bill will certainly be taken on Tuesday at 2 o'clock, or will that be contingent on the Public Health Bill having passed through Committee?

Mr. GLADSTONE: I think it is necessary to see what progress we make; but in any case we may give an answer to the question to-morrow.

Sir HENRY SELWIN-IBBETSON: I wish to put a Question to the Home Secretary. In consequence of the Intoxicating Liquor (Licensing) Bill having been altered from the position of first to that of 18th Order to-night, I wish to ask whether he will state for certain when the Bill will be proceeded with in

Committee? I need hardly remind him that there are many Amendments on the Paper in connection with that Bill which it is important to discuss at a period when they can be fairly discussed.

MR. BRUCE: The Intoxicating Liquor (Licensing) Bill has passed through the other House, which is not the case with either the Public Health Bill or the Military Forces Localisation Bill, and it is only right, therefore, that they should have precedence. The Intoxicating Liquor (Licensing) Bill will be taken on the first disposable day. It would have been taken for Thursday next had there not been a general desire expressed to devote that day to other purposes.

SIR HENRY SELWIN-IBBETSON: I beg to give Notice that if the Intoxicating Liquor (Licensing) Bill is not proceeded with before the 28th of July, I shall move, on your leaving the Chair, Sir, to go into Committee, "That the subject is one of such importance that it cannot be satisfactorily discussed in Committee at such a late period of the Session."

ROYAL PARKS AND GARDENS—THE REGULATIONS.—QUESTION.

MR. RYLANDS asked the Chief Commissioner of Works, When he will lay on the Table the Rules for the Regulation of the Parks, and whether, considering that they have to lie on the Table for thirty days, he will allow that time for their consideration after the beginning of next Session?

MR. AYRTON, in reply, said, that the rules had been already laid upon the Table and ordered to be printed. Although it was not consistent with the views expressed when the Act was passed that the House should discuss the rules before they came into force, yet in order that his hon. Friend might have the utmost latitude he had laid them on the Table before they were put in force so that he would have more than his legitimate opportunity of perusing them.

PUBLIC HEALTH (*re-committed*) BILL.

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Hibbert.*)

[BILL 215.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

SANITARY AUTHORITIES.

Clause 3 (Urban and rural sanitary districts).

MR. GOLDNEY rose to move the Amendment of which he had given Notice, believing it would be convenient at the outset to define the bodies to whom the sanitary authority should be relegated. If the sanitary authority were vested in a proper and efficient body, the rather meagre provisions of the Bill would, probably, succeed, but otherwise they could not. As to the Boards of Guardians, they had failed to discharge the duties imposed on them by previous statutes, no fewer than 23 or 24 of which were to be incorporated by the present measure, the principal being the Nuisance Removal Act and the diseases Prevention Act. Boards of Guardians had failed in carrying out the Cattle Plague Act, whereas the counties had effectively administered the objects of the Act. In this Bill, however, the lesson thus taught was forgotten, because it gave to Boards of Guardians more onerous duties than those which they had hitherto confessedly neglected, and put the Bill into operation by machinery which had proved very defective in similar work. A County Board would be a great advantage over Boards of Guardians. Its accounts would be regularly published, and its proceedings would receive greater publicity through the newspapers, and be more widely criticized than those of the Guardians, the only effectual check to whom would be the Local Government Board. The County Boards he proposed should be formed of county magistrates elected at Quarter Sessions, with an equal number of representatives elected by Boards of Guardians. These would have under their supervision the whole drainage, water supply, and sanitary arrangements of the county; and, in addition, there would be a great advantage to the ratepayers in the saving of a multitude of officials. Such an area prevented local quarrels and jealousies among rival and smaller jurisdictions. The details could be easily worked by committees and the surveyors on a sound and general principle. Possibly in boroughs these questions might not arise in the same degree; but with regard to rural districts, as the Bill stood, there would be no guarantee for a really effectual sanitary administration, and at the same time for proper local self-government. He begged to move in page 1, line 13, after "(1)," leave out "urban," and insert "county."

MR. CORRANCE said, he greatly regretted that the right hon. Gentleman had refused his proposal to refer the Bill to a Select Committee in order to ascertain what was the best possible form of rural sanitary authority that could be set up. A long time had since elapsed, during which opinion out of doors had hardened into conviction, but no progress had been made in the House. And what had taken place? It had been found that this question was, after all, the first they must decide, and that, in fact, it required a Bill to itself. That Bill was before them that night; part of it, for certain reasons, he was ready to accept, and part he trusted would, in an amended form, at last find favour with the House. One word as regarded that former part. It concerned the cities and boroughs; and although the organization was not such as, if they had to begin *de novo*, they would wish to set up, it was of a nature to admit of great improvements, and gradually and progressively it might satisfy their wants. It was not so in the second case; and of that he thought he could undertake to satisfy the House. Now, first, let them consider what were those rural districts which they dealt with? Were they purely country—green fields with nuisances, chiefly in the shape of muck-heaps? Certainly not; but they comprised towns of no inconsiderable magnitude, not yet afflicted with any very definite authorities, but whose other nuisances were on the increase. What was taking place was this—that these towns were poisoning every stream and the water from every subjacent place. Clearly, then, the problem to be solved was not quite so simple as it looked, and although they entered with great advantage into an open field, they must be just so much the more careful that they did not get into the difficulties which were recognized in the former case of authorities they could not get rid of, and law they could not unmake. How did the Bill propose to deal with this? 1. First they had the Board of Guardians and the union, as the largest area and the supreme Local Authority. 2. Then came the new provision for Parochial Committees, meant, he presumed, for the small towns and contributory places of that sort. 3. Then certain provisions for combining such areas for common purposes. He would first deal with the question of the first area and authority thus set up—the union. Was that as an area for sanitary purposes the best? What were the purposes? Prevention of contagious diseases; pollution of water; preventive medical aid; removal of nuisances; and many subordinate details, consequent upon this. Now, what were the special characteristics these things presented. Surely their universality and their general features, independent of locality and local interest. Of these the last only could be said to be local in any sense. And what followed from this? That it was desirable to take the largest common areas obtainable under effective local administrations—for he utterly disbelieved in the theory of Imperial interference in such matters as this. Surely the union did not satisfy any requirements of such a case. But the right hon. Gentleman had referred them to the 25th clause and others, which he quoted and seemed to think capable of remedying the defect. He would accept those clauses as an admission of the desirability for such an amalgamation — he could even contemplate the possibility of their taking practical effect in the urban districts; but of this he felt convinced—that once segregated into smaller rural co-operations, in ten, nay twenty years, they would not hear of an amalgamation taking place—much more likely of litigation and strife. Upon those grounds, then, he said that the union was not the common unit of administration which should be fixed. Then what were they to say of the smaller parochial administration? As a general thing nothing could be worse, for it would simply enable the central local administration to escape from disagreeable responsibility. In the instances alone which he had mentioned of the smaller towns, could they be of any practical use? And now of the authority set up—the Guardians. Now of them many things had been said, just and unjust; what they must ask themselves was this—not what may be their general capability for matters well within their practical knowledge and scope—but whether, in selecting such a body to administer sanitary laws, they were the best fitted for the task. Had they time, inclination, perfect independence? Let them bring a candid mind to bear upon this. Experience and authority were equally opposed to it. We knew they had not inclination both by experience and the testimony of able men, and as his hon. and learned Friend the Member for Sussex (Mr. Gregory) had told them, they would only assume the authority with a view to limit, in their own fashion, the expenses. Well, but had they the time? He could, from some personal experience, assure the Committee they had not. Duties had been crowded upon them, until the burden had become too great. Remember this. As business men coming from a long distance, the calls upon their time were already too great, and he had often known six separate questions of great importance, which had to be dealt with before the question of relief commenced. Then, as regards their independence, they had heard something of the action of town councils and such local bodies in this respect—no doubt the influences brought to bear upon neighbours were very great. But if upon these points they were not satisfied by experience, surely testimony should have some weight. Of course the Report of the Royal Commission was deserving of great weight, and no doubt they duly considered this point; but he confessed that to him, as far as their written record went, it was evidently unsatisfactory upon that point; nor was it in accordance with the evidence they took—a thing which admitted of proof. In that Report, indeed, they seemed to reduce it to a sort of reduction and necessitation, but the reasoning was not to him convincing. There was one other point to which he desired to draw attention before he concluded. The Board of Guardians was, as they knew, composed of ratepayers, being occupiers, almost exclusively, and no direct representation of owners could be said to take place. The *ex-officio* element did not do this. This was a most important blot. In this respect the formation of the union authorities would be fairer in every respect, and to the provision of the Public Health Act of 1848 (sec. 12 and 13), it stood in marked contrast: and he must regard it as a great blot and objection to this Bill that it did not provide for any direct representation of this sort. For all these reasons he must object to the authority now proposed. He now came to the means they possessed of dealing in a more satisfactory manner with such a question as this, which, he trusted, might be found in the Amendment he should have the honour to submit at the proper time. In character it was simply this—a County Board for a special purpose; and in constitution it met all the known requirements of the case. It would be representative; it would be elective; it would represent owners as well as occupiers upon a common bench; its action would be direct and indirect; it would not be an intermediate authority, but possessing a distinct initiative through the various local committees of a subordinate class. It might be asked, what were the peculiar advantages it would possess? In the first place it would lend itself to amalgamation for various purposes far more conveniently—water-sheds, pollution of rivers, and the like. In contagious disorders it would secure uniform action throughout, and there could be no question that, as a borrowing power, the economy would be great of any money raised upon credit of the rates, for upon the larger arrears the security would be proportionately great. The principle proposed for County Boards and for Valuation Boards were instances in point, and he greatly regretted they had not been adopted; but they had actually an instance of the operation of such machines applied to sanitary matters in the Cattle Plague Act, and this would be found to form the basis of the proposal he should make, except that instead of the Justices alone there would be an element from the ratepaying class. The executive would, as in that instance, be the Board of Guardians acting as the local authority of districts, subject only to the Central Local Board instead of the Government office as they made it in this case. And now one final word as to this. It was against this system of centralization that he protested. They might say it would be strong—he said it would be weak. Was it an evidence of its strength that it dared not carry out the full provision of its own Bill, but shrunk from a show of opposition? Practical expediency determined its adoption; political dependency was stamped upon its action, and all the weakness of dependence upon popular support. Such an authority was not strong, but weak, and it was this he dreaded. Upon those grounds he asked the Committee to consider that question carefully that night, for upon its determination would depend all that they as sanitary reformers had hoped for or could hereafter expect.

Mr. D. DALRYMPLE regretted the Bill had been divided into two parts, and he also regretted that it had been mutilated; but he thought it was hardly far to stigmatize those who sought to amend the Bill as opponents of sanitary reform. With reference to some remarks which had been made on a former occasion as to the power which the Bill would place in the hands of the medical profession, he expressed it to be his belief that without the aid of that profession sanitary reform would be nowhere. There were some hierarchies which were probably worse than a hierarchy of doctors. There was the hierarchy of engineers, who thought the earth was created that they might operate upon it, and it was even possible to have such a thing as a hierarchy of lieutenant-colonels. As to the Bill itself, he thought the Board of Guardians, who had quite enough to do as it was, and who were a fluctuating body, would not form a good sanitary authority. His second objection to the Bill was that there was to be under its operation no controlling authority except the Central Board, and that all the rest was to be done by Inspectors. His third objection was that although the Poor Law medical officer might be a very useful person to carry into effect certain portions of the Bill as a general rule, he was not the best person on whom to confer some of the powers which it created. His fourth objection was to the division of powers between the different local Boards, as if there was any difference in sanitary matters between urban and rural districts. Although the Amendments which he had placed on the Paper appeared to him, and those acting with him, to constitute a better Bill than that before the Committee, yet he felt he should be taking the wiser course in withdrawing them, and leaving with the Government the onus and responsibility of preparing at some future time a more complete and efficient sanitary measure.

Sir MICHAEL HICKS-BEACH said, that although he thought it was necessary that a line of distinction should be drawn between the urban and rural districts, he felt that the proposals of the Government were very unsatisfactory; and he thought it would shorten the debates on the Bill, if those who agreed in that view took that opportunity of expressing their opinions. It was unpleasant for any Member to appear as the opponent of any measure calling itself a Public Health Bill, though it was only the mutilated fragment of a measure which never was perfect; and it was the more difficult because the right hon. Member for North Staffordshire (Sir Charles Adderley) had charged those who were opposed to this Bill with being enemies of the public health, and responsible for the lives of the people, and as at one time objecting to a Bill because it was too large, and at another time because it was too small. He had never objected to this Bill because it was too large, but would gladly have proceeded with it in the shape in which it was introduced; and if it had now become too small, the blame must be thrown on the Government, who preferred to take up the time of the House by the discussion of the Ballot Bill instead of by the consideration of a proper Health Bill. ["Question!"] But if nine-tenths of the necessary legislation was to be postponed—if the existing law was still to be left in a confused and inconsistent state, at least the little that was done should be well done. They were about to appoint authorities who would have to spend the next 12 months in endeavouring to unravel, with the assistance of lawyers, the meaning of contradictory Acts, and who would hardly have discovered the law before new powers would be thrust upon them. Then, were these town councils, Local Improvement Boards, and Boards of Guardians, the best authorities that could be appointed for sanitary purposes? True, the Sanitary Commission recommended that Boards of Guardians should be made the sanitary authorities, but only on condition that they should be elected for three years, instead of for one year, as without this it would be impossible to procure the proper execution of works which it would require a permanent body to superintend. But there was another point. The Sanitary Commission recommended that if these bodies were to be chosen for the sanitary authorities, their composition should be different from what it was at present. They had recommended that as their powers in relation to property were so stringent, there was good reason why the owners of property should have a more considerable voice in the election and deliberations of the authority than they now had. Well, he failed to see in the provisions of this Bill anything which gave to the owners of property a fairer representation or more power in the deliberations of the Boards of Guardians than they had at the present moment. But it seemed to him that Her Majesty's Government, even while proposing to institute these authorities, had distrusted their possible course of action, for by the 23rd clause they had taken powers over Boards of Guardians, which were of the most vexatious and stringent character. They would have been less vexatious if they had been still more stringent, because more absolute powers would have prevented that standing conflict between the central and local authorities which might be carried on under the clause as it now stood. The 23rd clause of this Bill was proposed by the Sanitary Commission simply with a view to convenience, and their idea was that there were certain central purposes which could only be carried out by a combination of adjoining districts; but the clause went far beyond that, and gave power to the central authority, by a provisional order, to unite districts for any of the purposes whatever of the Sanitary Acts. In the analogous case of the Poor Law Acts, the central authority had been invested with absolute powers of uniting or dissolving Poor Law parishes and unions. Such powers might very easily be abused; and the manner in which they had recently been exerted in the metropolis must before long command the attention of Parliament. The right hon. Gentleman who formerly presided at the Poor Law Board (Mr. Goschen) had carried out these powers as if the ratepayers or Boards of Guardians in the metropolis were a set of wilful children. He had not only united or dissolved unions for proper and legitimate purposes, but to a far greater extent than was right and necessary for the purpose of proper administration. It seemed to him that often the unions made by him were simply for the purpose of controlling those who were thus placed under his power. Instead of "dividing and conquering," his motto was—"Unite and conquer." ["Question!"] This was the question, because the powers which this Bill proposed to give to the central authority were analogous to those of the Poor Law Board, and he was showing how they had been used. If any districts were recalcitrant, if they did not carry out their sewage or other works, the Bill gave power to unite them one with another. The power had been given in the case of the Poor Law Board because it was proved that the local bodies were neglecting their duty. But it was a strange thing, while appointing certain authorities as the best that could be selected, to show your distrust of them beforehand by taking such powers to enforce proper action upon them by the central authority. That was not only bad with regard to the local government of the country; but it was bad for the central authority, and bad for sanitary administration. It was bad for the central authority, because he believed it would give the central authority a great deal too much to do. If the Local Government Board was to be required to exercise such control over local authorities as would make it really a system of central administration, either that duty would not be done at all or it would give the Local Government Board too much to do. Again, it would be bad for sanitary administration. The Poor Law Inspectors at present had quite enough to do to look after the 650 workhouses of England and Wales. But the Bill proposed to put under their inspection the whole sanitary administration of the country, and as the work implied looking into the smallest details they could not do it. All they could possibly do was to receive reports from the local Inspectors—namely, the medical officers of health, who themselves were thereby called upon to report on those on whom they depended for a livelihood. He thus failed to see of what use Poor Law officers would be as officers of health. Besides, an Act of 1860 already required that they should report on the sanitary condition of their districts to the guardians. If these reports had been made, why were Inspectors also wanted under this Bill? What was required in the way of medical aid was advice rather than inspection. He believed that in cases of difficulty, where large sanitary questions had to be considered, Poor Law medical officers were not, as a class, capable of giving such advice. He had no more wish than the hon. Member who said—"Deliver us from the doctors" to be governed by them; but, if they were to control us, he would say—"Let us have an able and competent despotism; but don't deliver us over to the Poor Law medical officers, who either won't act because they will be afraid to do so, or if they do, will be likely to act ignorantly and without experience." If the Bill passed in its present form, it would be a misfortune rather than a blessing, because it would foster centralization, and that at the very time when we were introducing localization into the Army. The measure would institute a number of authorities who, being themselves too often incompetent or unwilling to act, would be puppets of the central administration, and they would be adding one more to the many futile statutes which this House had passed with a view to sanitary improvement.

Mr. OSBORNE rose to ask the Chairman what was the clause before the Committee?

The CHAIRMAN: The clause before the Committee is the 3rd clause, and a question has been raised on it as to the dimensions of the district—whether it shall be urban or country—which, of course, involves a wide area of discussion.

Mr. OSBORNE: Then are you of opinion, Sir, that the speech which has just been delivered is relevant?

The CHAIRMAN: Having listened to the debate and general tenor of the discussion, I think the remarks of the hon. Baronet were relevant.

Sir CHARLES ADDERLEY said, the clause proposed to do that which no man in this Committee objected to—namely, that the local government should be divided between town and country; that the whole kingdom should be distributed into town districts and country districts. But, in a most irregular way, the hon. Member for Chippenham (Mr. Goldney) had proposed an Amendment to this clause, which applied to the 5th clause, and which the hon. Member for Suffolk (Mr. Corrance) had given Notice of a good many weeks ago. The question raised by the hon. Member for Chippenham was to strike out the word "urban" and insert the word "county," and to strike out the word "rural" and insert the word "borough." The transposition in order of country before town seemed unimportant, but was really confusing, because powers of local government are chiefly required for towns, and in a lesser degree for country. But the object of the Amendment was to make uniform county government for all places except boroughs, and it ignored at least 600 non-corporate towns, already possessed of urban authorities in the form of elected local Boards. Probably no one else took this view. The only point disputed was what the authorities in rural districts should be, for they were all pretty well agreed that boroughs having their councils should be left as they were, and towns not corporate should have elected boards. The question really was, therefore, whether they would have a new country authority or use the Board of Guardians? The Guardians were already in existence, they were already charged with some sanitary duties, and the chief object of the Bill was to compel them to perform those duties. No one had sketched the constitution of the proposed County Board. It was not likely that gentlemen who met in Quarter Sessions could attend to small nuisances in villages distant from their place of meeting, and if they divided themselves into committees, it would come to the same thing as utilizing the present Boards of Guardians. Committees were proposed partly of justices and partly elected by parishes, but that was exactly the Board of Guardians. To say that Guardians were incompetent to sanitary work was to deny their ability to do what they had now to do, and to ignore the fact that they had always risen to responsibilities thrown upon them. The Poor Law had educated farmers to discharge the duties imposed upon them. In like manner the present measure would doubtless train them further in self government, and they would fit themselves for the work which Parliament was now about to intrust them with. He had heard it stated that Guardians were not sufficiently independent, and that they would not dare to take proceedings against their landlords in suppressing a nuisance. He did not believe, and in his own experience he had never found, that they would be deterred from doing their duty by any fear of great landlords around them; but if it should in any case happen that the Guardians were afraid to act, the central authority would, upon the Report of their Inspectors, intervene and say—"If you do not do so-and-so within six months we shall send men down from London to do it and charge you with the expense." The hon. Member for East Gloucestershire (Sir Michael Hicks-Beach) had remarked that the Bill did not carry out the recommendations of the Royal Commission; but this statement was only true to a certain extent. The Commission recommended that the Guardians should be elected for three years in order to make them a more permanent body, and to enable the same men to carry out large and long operations; but it should be borne in mind that they were even now almost invariably re-elected over and over again, and seldom practically changed. Consequently, they were not generally a fluctuating body; indeed, if a Guardian did his duty satisfactorily it was difficult for him to get out of his place. It had also been said that the Guardians had quite enough to do already. The answer to this objection was that they were already called on to perform most of the work which the Bill imposed upon them, and the additional work would be so slight that practically it would not add more than half-an-hour to special meetings of the Guardians about four times a-year. As to the objection to centralization he might point out that the function of the central authority was to guide, assist, and inspect the local authorities, but in no case to do the work for them, except in case of their default. There was, at at all events, nothing in this Bill to increase central authority. That subject had been dealt with, in the way of concentration and reduction, last year. It had been said that there would be more economy of officers if they had larger country districts; but if any union was found to be too small to bear the expense of a staff to itself there was power given to unite itself with some other union. This, in his opinion, would be a much better principle of enlarging areas of existing government than to constitute a a new body of officers. He denied also that this was a "mutilated fragment" of a Bill, and also that it was merely temporary and provisional. It was a proposition complete in itself, and a substantial and necessary complement to the Local Government Act of last year, and the two together made the best possible basis for a Consolidating Act of all the law opinions on the subject next year.

MR. STANSFELD said, he hoped the Committee would accept the advice of his right hon. Friend (Sir Charles Adderley), and that in the division on the Amendment of the hon. Member for Chippenham (Mr. Goldney) it would be understood they were voting on the question of the organization of the local authorities. [Mr. CORRANCE said, he could not for a moment accept as conclusive the issue now raised.] He (Mr. Stansfeld) was anxious to take the opinion of the Committee at the earliest opportunity on that question which formed an essential part of the Bill; but he should hardly be acting with due respect towards the Committee if he did not address himself to some of the remarks which had been made in the course of the debate. He would not discuss at any length the scheme that had been suggested for the construction of a County Board, because his hon. Friend the Member for Bath (Mr. D. Dalrymple) had said he would withdraw his proposal. He might, however, take this opportunity to remark that he never thought either his hon. Friend or any of the hon. Gentlemen who had taken part in the discussion entertained any desire to impede the progress of the Bill. The hon. Member for Chippenham objected to the scheme embodied in the Bill because he did not believe the Guardians would be a competent rural sanitary authority. Now, it was by no means correct to say of the Guardians that they had failed to exercise the powers they possessed, because hitherto there had been two classes of sanitary authorities. The Guardians were the nuisance authority, under the Nuisance Removal Acts, and the Vestry was the sewer authority, under the Sewage Utilization Acts. Therefore, the Guardians had laboured up to this time under the difficulty of a divided jurisdiction. He did not think, then, it was correct to say that they had failed, or that their failure must be taken as conclusive evidence of their unfitness to undertake the duties with which they would be intrusted by this Bill. The hon. Gentleman opposite had said the Guardians were incompetent and unwilling—[Mr. CORRANCE denied that he had said they were incompetent.] At all events, the word had been applied to them in the course of the discussion. He was prepared to state, as far as his knowledge went, that the majority of the Guardians in this country were undoubtedly willing and ready to accept the duties which would be intrusted to them by this Bill. The hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) did not like either the Boards of Guardians or the Town Councils; but the hon. Baronet, who had expressed a preference to the county authorities, was himself the very person who objected to the clause under which he proposed to take power for enlarging the area where it might be deemed necessary. There was only one matter which remained for him to refer to. The hon. Baronet the Member for East Gloucestershire had objected to the mode of proceeding by provisional order, and had complained that the proceeding by that method would necessarily be a high-handed one. Legislation, however, which was founded upon provisional order, was invariably preceded by full inquiry and discussion, and the objections urged by the hon. Baronet on this point, therefore, were entirely founded on a misapprehension of the actual state of things.

Mr. HUNT said, that since this Bill had been before the House he had found the opinion general that the Boards of Guardians were not the right authorities to intrust those duties to. He was anxious that they should pass a good Health Bill, and as this measure, when passed, was not to be temporary in its character, it was important that they should not hand the matter over to the wrong authority. The reason given by the right hon. Gentleman opposite (Mr. Stansfeld) for their selection was that they were existing bodies, not that, as existing bodies, they were qualified for the exercise of these powers. The fact was, that many of the powers which would be conferred by this Bill were already lodged in Boards of Guardians, and were generally ignored. It would be better that these duties should be intrusted to a County Board, and the constitution of such a body was carefully framed in the Valuation of Property Bill which he had introduced some few years since, and which was then read a second time with the consent of the Government opposite. Boards of Guardins were elected for a particular purpose, and that purpose they had answered admirably. They were the persons interested in the administration of the Poor Law; but he denied that they had any special interest in the working of the Sanitary Laws beyond other classes of the community. In many instances they would very much be governed by a question of economy, which it was to be feared would militate against the adoption of sanitary measures. If powers of this kind were to be conferred he should very much prefer their being given to the Highway Boards, because those boards were always limited in their area by the limits of counties; so that if at any future time two or more Boards were joined together in jurisdiction, the new district would be all in the same county. A great mistake was made when they allowed Poor Law unions to go over the county boundaries, for this had ever since given rise to difficulty. The only limit which in this particular matter we should have should be the county—a limit which had stood and would stand the test of time. It would be an insuperable difficulty if the boundaries lay not in one but in several counties. The guardians, too, would not take an interest in sanitary matters, and would be subject to local influences—the influences of landlords, for instance—to such an extent that a feeling would grow up in favour of placing them under the controlling power of the head of the Local Government Board. The real power would then be in the hands of the central authority, the very thing it was so desirable to avoid. He, on the contrary, wished to have a County Board, to be composed partly of magistrates elected by Quarter Session and partly of ratepayers elected by the Highway Board, or by the Guardians of those parishes lying within the boundary they would have to control. This would be a thoroughly independent body. Much—indeed, almost everything—depended on the executive officers. They should be thoroughly independent of the district and of everyone within it, and should be subject to no influences calculated to prevent them giving information to the central authority. To secure such men they should devote their whole time to the work, and their position should depend upon their efficiency. These conditions could not be fulfilled unless the districts were large and the local body independent. It was because he was anxious to have a good Bill, founded on proper principles, that he objected to this particular proposition, and he trusted the Committee would pass the Bill with the provision impugned.

MR. WHITBREAD remarked, that so wide a question could not be exhaustively dealt with in a fragmentary discussion. But what lay at the bottom of the whole, and had been very little touched upon, was this—that if they wanted to have an authority, far-reaching, and extending over all the counties, and to feel the wants of the rural districts, they must have a scattered, large, diffused body. Of course, it would be difficult to move such a body; that was a necessary defect which must be put up with. But how would a bran-new Board inform itself of what was being done in a remote part of the district? It was not a stink extending over the whole county, such as the Quarter Sessions might smell, that it was sought to remove. A nose was wanted in every corner to put an end to the little evils which, in the aggregate, did so much harm. Besides, this suggested County Board would be composed of the very persons who should first be called to account—the landlords and county magnates who sat at Quarter Sessions. The right hon. Gentleman had complained that the Guardians had failed to do their duty. This was unfair, because hitherto they had no power. Having the power he trusted they would awaken to the necessities of the case, and, without concerning themselves so much about the dribbling question of an extra 2*d.* in the pound, would seek to improve the health of their district, extend the working hours of a man's life, and prevent his children growing up the miserable weedy things that now fed the poor house.

MR. F. S. POWELL deprecated the suggestion that this was a mutilated fragment of a measure. So far as it went it was complete and whole in itself, though it did not present the same aspect as the original scheme of the Government. It had the merit that the moment the Board of Guardians was constituted the authority, all confusion would cease. The local Boards which this Amendment would abolish, had, on the whole, discharged their functions admirably, and placed the country under deep obligation. It was necessary to retain them, because sanitary work was intensely local, as distinguished from that caused by cattle plague, for instance, and it could be done only by those intimately acquainted with the localities. It was imperative that combinations should be enforced, subject to local inquiry and Parliamentary sanction, because one or two parishes could often defeat a valuable scheme for supplying a district with water. He believed there was a strong feeling in favour of the Poor Law Guardians, and if the Bill were passed and they were invested with larger powers, it was probable they would save many lives during the autumn and confirm their title to public confidence before Parliament could again legislate on the subject.

MR. GOLDNEY, to enable the hon. Member for Suffolk (Mr. Corrance) to raise the question more definitely, offered to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 4 amended, and *agreed to.*

Clause 5 (Description of rural sanitary districts and rural sanitary authorities).

MR. CORRANCE said, that the time was now come in which the Committee might conveniently divide on the subject which they had so long been discussing. For the purpose of enabling them to do so, he would move in page 3, line 3, after the word "district," to leave out the words to the end of the clause, and insert—

> "For the purpose of this Act the respective districts, authorities, rates, or funds, and officers described in the Schedule to this Act, shall be the district, the local sanitary authority, and the local rate."

Amendment proposed,

> In page 3, line 3, to leave out after the word "district" to the end of the Clause, and insert the words "For the purposes of this Act the respective districts, authorities, rates, or funds, and officers described in the Schedule to this Act, shall be the district, the local sanitary authority, and the local rate."—(*Mr. Corrance.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Question put.

The Committee *divided:* — Ayes 84; Noes 7: Majority 77.

Clauses 6 to 9, inclusive, *agreed to.*

Clause 10 (As to officer of health and other officers of sanitary authorities).

Colonel BARTTELOT moved, in line 25, after "nuisances," to insert—

"Whose several appointments shall be for a period not exceeding five years, but nothing in this Act shall prevent such officers from offering themselves again for re-election."

He hoped the right hon. Gentleman would be able to agree to this Amendment, which in his (Colonel Barttelot's) opinion was a very important one, because it would enable Boards of Guardians to have some power over these officers of health, and would prevent them from doing as they pleased. Many of these gentlemen did their duty exceedingly well; but there were others who did not do their duty in a way satisfactory to Boards of Guardians. They were good servants, but bad masters.

Mr. HENLEY supported the Amendment, urging the importance of an efficient officer, and the difficulty of satisfying an external authority of the inefficiency of a permanent officer.

Mr. STANSFELD acceded to the Amendment, on condition of its applying only to the first appointments under the Act. The functions of the officer being a matter of experiment, it was not desirable to make the first appointments permanent.

Sir MICHAEL HICKS-BEACH objected to the Amendment, thinking that a five years' officer, like an American President, would be afraid of displeasing those on whom his re-election depended.

Colonel BARTTELOT said, he was not satisfied with the modification proposed by the right hon. Gentleman. Was it to apply to the first five years of every officer's tenure, or to the first five years after the passing of the Act?

Mr. CORRANCE said, the Bill had been made almost worthless by entrusting its operation to Boards of Guardians, and the Amendment would reduce it to a nulity by impairing the independence of the medical officer.

Mr. HIBBERT supported the Amendment as modified as consistent with the provisional character of the clause.

Mr. PELL also approved the Amendment, which would facilitate the formation of united districts.

Dr. BREWER thought the proposal of the hon. and gallant Gentleman opposite (Colonel Barttelot) ought to be accepted.

Mr. STANSFELD should have preferred at this moment not to have legislated on this subject, but was willing to accept the Amendment of the hon. and gallant Gentleman, so modified as to make the first appointments under the Bill tenable for five years only, leaving the question of their permanency open for future decision.

Mr. M. CHAMBERS thought permanent appointments frequently led to neglect of duty.

Mr. CAWLEY would prefer the Bill as it stood.

Colonel BARTTELOT would gladly accept the modification of the right hon. Gentleman if it were understood that the first appointments under the Bill were not to be permanent.

Amendment proposed to insert—

"The appointment of the medical officers of health first made after the passing of this Act, shall be for a period not exceeding five years."

Mr. PELL said, it appeared to him that the Amendment did not include nuisance Inspectors as well as medical officers, as originally proposed by the hon. and gallant Gentleman (Colonel Barttelot).

Mr. HIBBERT said, it would not, and pointed out that inconvenience would result if such were the case.

Sir MASSEY LOPES said, he hoped the Inspectors would be included in the Amendment.

The words "and inspectors of nuisances" *inserted.*

Amendment, as amended, *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 11 *agreed to.*

Clause 12 (Appointment of committees by rural sanitary authority).

Colonel BARTTELOT said, that he wished to propose an Amendment to the effect that the committee should be appointed in the same manner as the assessment committee under the Act of 1862—namely, that one-third of the members should consist of *ex-officio* Guardians. In the first instance he would formally propose, with that object, in line 17, to leave out "may," and insert "shall."

MR. MONK objected to the whole clause, and hoped that it would be struck out of the Bill.

MR. STANSFELD said that, in his opinion, this was a clause of considerable value, and, although it was not in the Bill as first introduced, it had been prepared in accordance with suggestions made to him. It was suggested that Boards of Guardians might be too much occupied to transact sanitary business, and that some of their members might be disinclined to undertake such duties, and that, therefore, it was advisable to enable them at the beginning of their year of office to select some of their own number, those who were disposed to undertake and were capable of performing duties in connection with sanitary matters. That he considered a wise proposal; but he was not able to concur in the first Amendment of the hon. and gallant Member by which the sanitary authority would be compelled to delegate their power to a committee. The second Amendment of the hon. and gallant Member he should be able to accept.

COLONEL BARTTELOT said, he was willing to leave an optional power to the sanitary authority, and would, therefore, withdraw his first Amendment.

Amendment proposed, in line 20, before "and," insert—

"Provided always, That one third at least of such committee shall consist of ex-officio guardians, but in case an adequate number of such ex-officio guardians shall not exist, then the numbers so deficient shall be made up of elected guardians,"

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 13 (Powers of inspectors of Local Government Board).

MR. MONK, who objected to unnecessary interference with the local authority, moved, in line 20, after "board," insert—

"Upon the application to such board of one-third of the members of any local board or sanitary authority or of one-twentieth of the persons rated in the district."

This would assimilate the clause to the provisions of the Local Government Act.

MR. RATHBONE said, the Inspectors were depositaries of valuable information which would be very useful at the Board, and their presence should be encouraged.

MR. EYKYN desired that it should be made clear as to whether the Inspectors would have authority to attend meetings of town councils. His objection to the clause would be met if the Inspector attended only when the sanitary authority was summoned to meet such Inspector.

MR. STANSFELD believed the Poor Law Inspectors were always favourably received by Boards of Guardians, because they were able to give valuable information; but as town councils were municipal as well as sanitary authorities, the Inspector would not necessarily have any business at their meetings, and he had so drawn the clause that they would have no right to attend town council meetings.

MR. MONK was satisfied with the explanation which had been given, and would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

SIR THOMAS ACLAND said, the exclusion of town councils from the operation of the clause would cause dissatisfaction.

MR. STANSFELD was sure no Inspector would be refused admission to a town council when it was dealing with sanitary matters.

MR. CAWLEY was of opinion that it would be very difficult to interpret that part of the clause giving power to the Inspectors to examine witnesses.

MR. STANSFELD explained that Poor Law Inspectors could hold inquiries, examine witnesses, call for the production of papers, and inspect works, and it was intended to give Local Government Board Inspectors similar powers.

MR. HIBBERT moved the insertion after the word "shall," in line 23, of the words "for the purpose of any inquiry directed by the Local Government Board."

MR. M. CHAMBERS said, the Committee were quarrelling with plain words. The clause meant that whenever the Inspectors went to a town they had powers with reference to Sanitary Acts similar to those which they had under the Poor Law Inspection Acts. If the Committee inserted too many qualifying words they would produce difficulty. The clause, as it stood, was very well framed.

MR. C. S. READ conceived that the insertion of the proposed words would make the clause better understood.

Amendment (*Mr. Hibbert*) *agreed to.*

Mr. STANSFELD moved to insert, in page 7, line 27, after "Acts," the words "the sanitary authority of the district of Oxford shall not for the purposes of this section be deemed to be a Local Board."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 14 *agreed to.*

Clause 15 (Expenses of rural sanitary authority).

Colonel BARTTELOT wished to know what was intended by the "expenses in relation to disinfection." If one part of a parish was excessively dirty, was the whole district to bear the expense of cleansing or disinfecting it?

Mr. STANSFELD said, those expenses were so small he did not think that the matter need be considered.

Colonel BARTTELOT thought the right hon. Gentleman, by such a provision, was putting a premium on dirt.

Mr. HENLEY hoped that in the Interpretation Clause some sound construction would be given to the word "disinfection." It was a very wide word. If a cottage was whitewashed, was that "disinfection?"

Mr. HIBBERT observed that the local authority under existing sanitary Acts was empowered to disinfect premises and charge the occupier or owner.

Mr. HUNT said, the question was, whether this clause did not override the provision in the existing Acts so as to remove the charge of whitewashing from the owners or occupiers, and place it upon the ratepayers at large.

Mr. STANSFELD said, he would accept the suggestion of the right hon. Gentleman (Mr. Henley), and would introduce such a definition of the word "disinfection" as he hoped would meet the views of the Committee.

Sir MICHAEL HICKS-BEACH moved, in page 8, line 9, to leave out "providing hospital accommodation." The question was, whether the ratepayers were to provide hospital accommodation for all people who were not paupers? To say the least, this was a question for grave consideration.

Mr. STANSFELD objected to this Amendment. Under existing Acts the local authority had power to provide hospital accommodation. The expense must either be general or special. It could not be special because the hospital accommodation would be provided for the whole district. The omission of the words would make no practical difference in the working of the clause, and he resisted, not so much the Amendment as the inference which had been drawn from their presence.

Sir MICHAEL HICKS-BEACH said, all his anxiety was to prevent a wrong inference being drawn.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 16 (Mode of raising contributions in rural sanitary district).

Mr. CORRANCE said, he proposed to raise an important question by moving an Amendment. In the debate on the question of local taxation it had been agreed, by nearly all on that side of the House, that with respect to new rates, there could be no objection to their division between owner and occupier; and thought that the rate here contemplated might be so divided very fairly, and that its division would promote improvement, because it would do something to supply the lack of interest felt in property by an occupier holding under a short tenure. The Cattle Plague Act, he might remark, contained a similar provision, which was introduced at his suggestion. The hon. Gentleman concluded by moving at the end of the clause to add—

> "Any person who is not the owner of the premises in respect of which he is rated under this section of the local rate, may deduct from the growing rent due to the owner of such premises, one half of the rate payable by him for the purpose of this section, and every owner shall allow such deduction accordingly. The owner for the purposes of this Act shall be the person for the time being entitled to receive the rack rent of the premises, in respect of which the rate is made on his own account, or who would be entitled to receive the same if such premises were let at a rack rent, including under the term any rent which is not less than two thirds of the net annual value of the premises out of which the rent arises."

Colonel BARTTELOT hoped the right hon. Gentleman would not agree to the proposal of his hon. Friend. The right hon. Gentleman having stated this evening that he thought local taxation would be one of the first things to be considered next year, it would be most unwise to enter into a discussion of the present proposal, which dealt only with a small portion of the subject.

Mr. STANSFELD thought the argument of the hon. and gallant Member for West Sussex (Colonel Barttelot) was quite conclusive.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clause 17 *agreed to.*

Port Sanitary Authorities.

Clause 18 (Sanitary authorities of ports).

Mr. GOURLEY moved that the Marine Board of the Port of London, with the addition of four members elected by the Corporation of Gravesend, and the deputy-chairman of the Trinity Board should be the sanitary authority for the said port.

Mr. STANSFELD, in reply, said that several Amendments had been put on the Paper bearing on this question; but neither the Amendment now proposed, nor that of which notice had been given by the hon. and gallant Member for Southwark (Colonel Beresford), proposing the "Conservators of the River Thames," made provision for meeting the expenses of the port sanitary authority, because the two authorities they proposed had no rating powers. Another proposal to insert the Metropolitan Board of Works had been made by the Chairman of that body (Colonel Hogg), which had rating powers over the whole metropolis. Then there was a fourth proposal, which he should now have the honour of submitting to the Committee. It was to the effect that the Mayor, Aldermen, and Common Council of the City of London should be the port sanitary authority, and should pay out of their corporate funds all expenses of such port sanitary authority. He made this proposal on the strength of a letter he had received from the Common Council of the City of London. It was dated Guildhall, July 11, and was to the effect that at a meeting of the Common Council, held that morning, it was unanimously resolved to undertake the duty of acting as the sanitary authority of the port of London under section 18 of the Public Health Bill, and to pay all the expenses of carrying the Bill into effect out of their corporate funds. The letter communicating these resolutions to him concluded with a statement that the Court of Common Council, by the course they had taken, would secure the ratepayers—the riparian ratepayers—from any addition to the rates for the purposes of this Bill.

Sir CHARLES WINGFIELD had no reason to suppose that the inhabitants of Gravesend would be otherwise than satisfied with the proposal of the right hon. Gentleman.

Colonel BERESFORD objected to the proposal, on the ground that a new authority would be constituted for the port of London.

Amendment (*Mr. Gourley*), by leave, *withdrawn.*

Mr. STANSFELD moved that the Corporation of London be the central authority in the Port of London, and pay out of their corporate funds all the expenses thereof.

Colonel BERESFORD thought the right hon. Gentleman's proposal was merely to save a small sum of money. There was already a very able authority who could deal with the sanitary requirements of the port, and who had, in fact, exercised a sanitary jurisdiction for a long time. He moved as an Amendment, that the Thames Conservancy Board be the riparian authority.

Colonel HOGG said, he had given Notice of a proposal that the Metropolitan Board of Works should be the authority; but he joyfully accepted the offer of the Corporation, and thought their funds would be very properly applied to this purpose.

Mr. SCLATER-BOOTH thought the Thames Conservancy Board the proper authority.

Amendment (*Mr. Stansfeld*) *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Mr. PELL asked what the sanitary authority meant, as there were urban and rural sanitary districts mentioned in this Bill?

Mr. STANSFELD said, that this would be regulated by provisional orders, and he would take the necessary power also to decide about the expenses.

Clause 19 *agreed to.*

Clause 20 (Alteration of areas and local authorities).

Mr. ASSHETON CROSS said, that the effect of the clause as it stood would be that a rural district might be comprised in an urban district, and subject to all the rates of the urban district against its will. It was no doubt provided by a later part of the Bill that an Inspector must first go down and make inquiry as to whether the rural district should be included or not. But the Report of an Inspector on the subject would be very different from the spontaneous act of the people themselves. The clause would give power to the Local Government Board to impose rates on the ratepayers without their consent, and that certainly required some explanation. He begged to move in page 12, line 30, and the following lines, to leave out the words "or it may, by a provisional order, declare any portion of" &c.

Mr. STANSFELD said, the case which it was proposed to meet was this —An urban population had availed itself of the Local Government Acts. Outside that district another urban population had grown up which rationally ought to be included within its limits. The ratepayers of the urban district might be desirous of taking in those outside, but the latter might be unwilling. It was not proposed to override the opinion of the inhabitants either of the one or the other by the *ipse dixit* of the Local Government Board, but by legislation according to the forms of procedure best adapted for securing a fair hearing. That would be done by means of provisional orders, so that any one interested would be entitled to be heard in opposition.

Mr. ASSHETON CROSS said, it might cost £1,000 to fee counsel and come to Parliament to oppose, and the population of the outlying districts might not be a corporate body having funds at their disposal, but the money might have to be subscribed out of the private purses of individuals if they wished to come to Parliament.

Sir MICHAEL HICKS-BEACH regarded the system of provisional orders with considerable distrust. It was perfectly possible that a Bill grossly unfair to a small district might slip through the House. It would no doubt be right, in the case of a portion of a rural sanitary district adjoining to an urban one, which had so far increased in population as to have become a really urban sanitary district, that it should be joined to the urban district, whether it wished it or not; but in the case of a really rural district there would be no just reason for such a course. He suggested that some limit of population might be mentioned in the clause, beneath which limit it should not come into operation.

Mr. GOLDNEY thought that there would be hardship in imposing all the expenses connected with the provisional orders upon the locality. Clause 43 seemed to say that the sanitary authority should pay them.

Mr. HIBBERT said, that the provisional orders would be brought forward by a public Department, and therefore the expenses would not be very heavy.

Mr. GOLDNEY: But who was to pay them?

Mr. STANSFELD: The locality interested.

Mr. GREGORY observed that the words in the clause were at present very wide, and he suggested that some qualifying words should be inserted to prevent any injurious operation of them.

Mr. STANSFELD thought that such words would not be of much avail. The criticism of the hon. Baronet (Sir Michael Hicks-Beach) seemed to be placed upon a wrong basis. There would be no object in oppressing any particular locality, and the sensible thing to do would be not to distrust a Government Department in a matter of this kind.

Mr. CORRANCE feared that the object of the clause was to throw a part of the burden of the towns upon the rural districts.

Mr. HENLEY said, it seemed to him that the clause did not provide that sufficient notice should be given to the parties interested, in order that their case against the making of a provisional order should be heard. But he was quite sure it was the intention of the right hon. Gentleman that due notice should be given to those parties.

Mr. STANSFELD said, he intended to accept an Amendment which had been proposed by an hon. Member for the purpose of providing that no provisional order should be made without previous inquiry in the locality concerned, which inquiry should not be held without at least two weeks' previous advertisement in the local paper of the intention to hold such inquiry, and the parties interested should have an opportunity of being heard before a Committee upstairs against the making of a provisional order.

SIR LAWRENCE PALK thought that if a quasi-urban population objected to joining the opposition to the making of a provisional order, it would be a hardship on that district to make it pay the expenses of such opposition.

MR. ASSHETON CROSS said, that it would create confusion if a rural district should be attached to an urban population for the purposes of this Act, and should not be so attached in reference to highway matters.

MR. NEWDEGATE observed, that the rural districts adjoining urban districts would be placed in this position: It would be proposed to place their holdings under the higher rating of the urban localities, and if they resisted they would have to pay the expense of that resistance, and would be rated afterwards. What justice demanded was that the district in which it was sought to include them should be burdened with the expense of opposition, whether it was successful or not.

Amendment, by leave, *withdrawn.*

MR. GOLDSMID moved in line 27 the insertion of the words "on the application of the authority of any sanitary district."

MR. F. S. POWELL hoped that the Amendment would not be accepted.

MR. DODSON thought that the Amendment would lead them to an absurdity, inasmuch as it would authorise the application to be made by any rural district who might have no concern in the matter.

Amendment *negatived.*

Clause *agreed to.*

Clauses 21 to 23, inclusive, *agreed to.*

Union of Districts.

Clause 24 (Formation of united districts).

SIR MICHAEL HICKS-BEACH moved, in line 23, to leave out the words "for any other purposes of the Sanitary Acts."

MR. STANSFELD could not accept the Amendment.

SIR CHARLES ADDERLEY thought it would be a very gratuitous and useless limitation of the Act to say that the districts themselves might not even apply provisional orders for purposes of general utility.

Amendment *negatived.*

Clause *agreed to.*

Clauses 25 to 38, inclusive, *agreed to.*

Clause 39 (Repeal of Section 151 of Public Health Act, 1848).

MR. STANSFELD explained that this clause was proposed to repeal the provision in the existing law which relieved local Boards or other parties from the necessity of putting a stamp on any agreement, mortgage, or other document whatsoever to which those Boards were parties.

MR. MUNTZ observed that this clause was not in the original Bill. He would divide the Committee against it.

MR. GLADSTONE said, the exemption would be extremely unequal even in the sphere within which it would operate. It would grant to towns what was refused to the country.

Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 141; Noes 30: Majority 111.

MR. J. G. TALBOT moved that the Committee report Progress. There were Amendments of importance on the Paper, and it was too much to expect the Committee to proceed further at that time of the morning.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. J. G. Talbot.*)

The Committee *divided:* — Ayes 45; Noes 121: Majority 76.

Clause 40 *agreed to.*

Clause 41 (Public Works Loan Commissioners may lend to sanitary authority on security of rates).

MR. RUSSELL GURNEY moved, in page 20, line 40, to leave out "thirty" and insert "fifty."

Motion made, and Question put, "That the Chairman do report Progress."—(*Colonel Barttelot.*)

The Committee *divided:* — Ayes 56; Noes 102: Majority 46.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Newdegate.*)

Mr. RUSSELL GURNEY had no objection, if it would facilitate the Progress of the Bill, to withdraw his Amendment and bring it up again on the Report.

Question put.

The Committee *divided:* — Ayes 47; Noes 103: Majority 56.

Committee report Progress; to sit again *To-morrow.*

ELEMENTARY EDUCATION (SCHOOL BOARD LOANS) BILL.

Resolution [July 17] *reported;*

"That it is expedient to authorise Advances, out of the Consolidated Fund, to the Public Works Loan Commissioners, to enable the said Commissioners to make Loans to School Boards, under the provisions of 'The Elementary Education Act, 1870.'"

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. Bonham-Carter, Mr. William Edward Forster, and Mr. Baxter.

CUSTODY OF INFANTS BILL—[Bill 93.]

(*Mr. William Fowler, Mr. Andrew Johnston, Mr. Mundella.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Notice taken, that 40 Members were not present; Committee counted, and 40 Members not being present:

Mr. Speaker resumed the Chair.

House counted, and 40 Members not being present,

House adjourned at half after Three o'clock.

HOUSE OF LORDS,

Friday, 19th July, 1872.

MINUTES.]—Public Bills—*First Reading*—Elementary Education (Elections)* (231); Masters and Workmen (Arbitration)* (234).

Committee—Petroleum * (193-232); Ecclesiastical Dilapidations Act (1871) Amendment * (211-233).

Committee—Report—Public Schools Act (1868) Amendment * (212).

Report—Tramways Provisional Orders Confirmation (No. 4)* (146); Sites for Places of Worship and Schools, *now* Sites for Places of Worship, &c.* (214).

Third Reading—Consolidated Fund (£8,000,000)*, and *passed.*

THE COUNTESS OF MAYO.

MESSAGE FROM THE QUEEN.

Message from the Queen delivered by the Duke of Argyll, and read by the Lord Chancellor, as follows:

"Victoria R.

"Her Majesty taking into consideration the distinguished services performed by the late Richard Southwell, Earl of Mayo, Her Majesty's Viceroy and Governor-General of India, and the loss of his life in Her service and in the discharge of public duty, and being desirous in recognition of such services and in view of the circumstances of his death to confer some signal mark of Her favour upon his widow, Blanche Julia, Countess of Mayo, recommends it to the House of Lords to concur in enabling Her Majesty to make provision for securing to the Countess of Mayo a pension of one thousand pounds per annum for the term of her natural life."

Ordered, That the said Message be taken into consideration on *Monday* next.

KIRWEE PRIZE MONEY.

MOTION FOR AN ADDRESS.

The Earl of HARROWBY, in moving an Address praying that the question in dispute in reference to the Kirwee Prize Money may be referred to the cognizance of a judicial tribunal said, that while questions relating to prize money at sea were decided by the Court of Admiralty, whose judgments were guided by well known rules, and according to a long series of judgments, yet as regarded prize money on land no jurisdiction till lately had existed, and as regarded its distribution the practice was still practically in a state of complication and confusion. The long dispute about the Kirwee booty was a proof of this. But what he desired to submit to their Lordships was that the question regarding which there was contention between the troops and the Government could be settled satisfactorily only by a judicial tribunal. The conviction that to such a tribunal the appeal in such cases ought to lie was what had led to the passing of the Bill introduced in 1834, and now known as Lord Cottenham's Act, which pointed out the Court of Admiralty as the proper jurisdiction for such cases. Again, the Royal Commissioners on Army Prize Money, who made their Report in 1864, unanimously recommended that questions such as those raised in respect of the Kirwee booty should be referred to a judicial tribunal, and under the sanction of Lord Palmerston a portion of these claims had been accordingly so referred. The present Treasury refused to follow the precedent. It was against this that the petitioners protested, and he thought with justice. On the merits of their claims he would not enter. They should be investigated by an open Court, acting on fixed principles. The mere arbitrary decision of the Treasury could never give satisfaction. He begged to move the Address of which he had given Notice.

Moved that an humble Address be presented to Her Majesty in the matter of the Kirwee Booty, praying Her Majesty to refer the questions in dispute between the troops entitled to the prize money and the Indian Department to the cognizance of a judicial tribunal, under the provisions of the Act 3d & 4th Vict. cap. 65. sect. 22. or of the Act 3d & 4th Will. IV. cap. 41. sect. 4., and in accordance with the unanimous views expressed by the Royal Commissioners on Army Prize in the 7th paragraph of their Report dated 3d May 1864.—(*The Earl of Harrowby.*)

THE DUKE OF ARGYLL said, he did not mean to contest the proposition with which his noble Friend (the Earl of Harrowby) had introduced his Motion; though he did not say he assented to it, because he thought there was an important difference between captures by sea and captures by land. He quite agreed, then, that it would be well that there should be some fixed rules by which booty captured by the Army should be decided as well as prize taken by the Navy; but these general conclusions had nothing to do with the provisions of the statutes to which the noble Earl had referred. It appeared to him the questions raised between the troops making the remaining claim in respect of the Kirwee booty and the India Department were not questions for a court of law, or which ought properly to be decided by a judicial tribunal, but were questions which must be decided by the Government on a calm consideration of the rights of the troops on the one hand and those of the Indian taxpayer on the other. His noble Friend had refrained from going into particulars, but he felt it necessary to do so very shortly. The heroic efforts made by the troops in India, acting in comparatively small bodies, during the operations for suppressing the Mutiny, would shed imperishable lustre on their name; but it was rather a curious circumstance that the troops which saw most service on the occasion in question, and which suffered most, really received the least amount of booty; for instance, in those great contests for the Relief of Lucknow and the capture of Delhi the booty taken was of very small value; while an exceedingly large share of booty fell to the lot of the troops engaged at Kirwee. The troops, on whose behalf this particular claim was set up, were 2,000 in number, and in the engagement that took place outside the town their casualties were only five killed and 29 wounded. Subsequently the Rajah surrendered Kirwee —not to these troops, but to Mr. Mayne, a civil officer, and a party of police. After the surrender, this small military force came up and claimed the surrender as a military capture. When possession was taken of the place upwards of half a million of money and jewels were found there; and after some communications on the subject the authorities determined to treat the capture as a military one. As their Lordships were aware, about £500,000 had already been paid to the officers and men for the booty; but the claim, the subject of his noble Friend's Motion, was a demand for a further £500,000, not of money in the hands of the Government, but of money which, if the demand were complied with, must be raised from the Indian taxpayers. How had the claim arisen? Among the booty taken at Kirwee were jewels and uncovered rupees or bullion. Now, their Lordships would bear in mind the accepted doctrine that all such prizes belonged to the Crown, and that it was only by mere favour of the Crown that any portion of it was given to the troops. As a consequence of that doctrine, until any booty was declared to be prize money it continued to be in the possession of the Crown; but, notwithstanding that, it had been usual with the Crown to allow interest on it, not merely from the date of the declaration of the prize, but from the date of the capture. Some of the money in this case was taken in 1858; but long and intricate questions had to be decided and the declaration that the booty was prize money was not made for four or five years after. He thought this mode of dealing with the Army—allowing interest on the booty from the day of capture—was a just one, but obviously there was this limit to it—that the Government were not bound to pay interest on any booty of which they were not themselves in profitable possession. That was the principle acted on in this case. On all the booty of which the Government were in profitable possession interest was paid from the time of capture; but the uncovered rupees and the jewels were not sold till about 1862, and consequently the Government had not been in profitable possession of them before that time. The claim now made was for interest on both from 1858, which, with another claim to which he would refer, would amount to nearly £600,000, in addition to the £500,000 which the officers and men had already received. Considering the small number of troops who had been so fortunate as to get this very large amount of money, he must say that some of the items by which the total amount now claimed was made up were somewhat extraordinary. It appeared that the jewels were sold for a smaller sum than that at which they had been originally valued by a native merchant at Calcutta; and a demand was made by the troops for the difference between the original valuation and the sum for which the jewels were sold. An officer who had come to him to advocate those Kirwee claims was indignant at finding that such an item as that had been included. Another item had been created in this way—among the booty at Kirwee were notes of credit or Government certificates, which the Government, in order to punish the Rajah, had cancelled. When that was done the notes ceased to be of value to him; yet because those notes were found at Kirwee the troops now claimed the value of them. In his opinion such a claim was simply preposterous. What the Government had to consider was whether the taxpayers of India ought to be called on to pay the officers and men such claims as those. Would such claims be for one moment admitted by the people of India if they had a deliberative assembly of their own? Certainly no such claims would be listened to if made against the Treasury of this country, and if so they ought not to be listened to when made against the Indian Treasury. The masses in India was very poor—they had to endure a poverty such as we had no conception of in this country. Not a week passed without facts coming before him which most seriously impressed him with the difficulty of carrying on the government of that country, and at the same time avoiding the imposition of burdens which the natives were unable to bear. He hoped that, having heard all the facts, his noble Friend would not feel it necessary to press his Motion.

THE EARL OF LONGFORD wished to say a few words, as a Member of the Royal Commission of 1864. What their Lordships were asked to do was not to decide whether a certain body of troops were or were not entitled to certain prize money, but to address Her Majesty that the claim may be referred to a judicial tribunal. The troops complained that they had not received that which Her Majesty had conferred upon them—there was, therefore, a right set up, which, though not a legal right, ought to be considered; and the inquiry sought was strictly in accordance with an Act of Parliament and the recommendations of a Royal Commission. Both in Lord Cottenham's Act and in the Report of the Royal Commission it was distinctly set forth that such claims as these should be referred for the decision of a judicial tribunal. It was true that a large distribution of this prize money took place in 1866; but the amount was less, instead of more, than the troops had been expecting for upwards of six years—namely, £450,000; whereas the Royal Warrant of 1864 laid it down that they were entitled to £700,000—and the agents naturally inquired for the balance. Legal opinions so strongly supported them that they continued to press their claims. Sir John Coleridge, Mr. Vernon Harcourt, and others stated their unanimous opinion that precedent justified the distribution of the notes cancelled by the Indian Government. Therefore the claims, so far as they related to the notes, were not quite so absurd and groundless as the noble Duke opposite (the Duke of Argyll) appeared to represent. Taking all the circumstances into consideration, he believed that no decision of this question would give satisfaction other than that of a judicial tribunal. A court, constituted of Mr. Gladstone, Mr. Lowe, and the Secretary to the Treasury, met in the middle of the Irish Church controversy to consider this subject; but the decision of such a court could not be received with confidence by the country. It was the duty of the Secretary of the Treasury to refuse everything. An inquiry by a judicial tribunal would be useful not only in this case, but as a means of arriving at rules which might govern other cases in the future.

LORD LAWRENCE said, he thought he was thoroughly conversant with the facts of this claim, and he felt bound in honour to say that he did not think any real case was made out for the troops. If ever a *primâ facie* case had been made out in their favour, he should not have hesitated to say that it would be right and expedient that their Lordships should endeavour to allay the discontent that had so long existed, by referring the case to some other tribunal; but it appeared to him to be perfectly clear that they had no case. To take the larger claim — that made on the notes of credit, and which amounted to about £250,000—it was a claim made against notes which were securities for a Government debt. The Chiefs of Kirwee kept a large sum in the shape of these notes, and it was well known that immediately those Chiefs went into the rebellion the Government notified that those notes were confiscated. This occurred some months before the battle of Banda, and still longer before Kirwee surrendered. Once there was an announcement that these notes were confiscated, they ceased to be of any value whatever. The paper, therefore, upon which these notes were printed was practically waste paper. But, further, these notes were not even found in the Kirwee booty, nor had they been found to this day. How, then, in common sense could they be claimed as a portion of that booty? Then as to the question of interest. The Government took charge both of the jewels and the coin in the interest of the Force, and not for any advantage that could accrue to itself. Until the jewels were sold and their value realized no interest could possibly accrue; but the moment the money was realized interest was allowed upon it. He might further say that the great delay which had arisen before this prize money came to the Army was through no fault of the Government of India. The main cause of the delay was the conflict of views and of interests between the different bodies of the Army; and he must observe, with all deference to the decision finally given in favour of the Force which made the present claim, that the decision was not received with satisfaction in India. Without derogating in the slightest degree from the merits of that gallant Force, in the opinion of the people of India those who bore the burden and heat of the day got very little for their pains, while those who had little to do were uncommonly fortunate. It would be very desirable that some plan should be adopted and distinct rules laid down clearly embodying the principles upon which prizes should be distributed. The principle which applied, and justly applied, to the Navy, was not, in his opinion, applicable to the Army, nor was it for the public interest that the same rules should govern both cases. Why on earth should a small body of men who perchance might have hit on a prize receive all the money, while large bodies of troops who for strategical reasons were moving in different parts of the country, and were bound so to move by the orders of their Commander-in-Chief, had no share of it? The question, as the noble Duke had observed, was between this body of troops and the taxpayers of India, where there was the greatest difficulty day by day in making ends meet. Of course, that argument would be of no value if there was a clear case in favour of the troops: but in a case where so much had been already done by the Government of India, the Secretary of State for India and the Government of England were alike agreed that this claim was not founded in reason and justice, and therefore their Lordships ought not to interfere.

LORD STANLEY OF ALDERLEY observed that a fact seemed to have been lost sight of in this discussion—namely, that there could be no prize money, as there had been no war, and no belligerents; and that all the property in India was either that of Her Majesty's subjects or of her allies; and there was no enemy's property, since we had not declared war against anyone, nor had it been declared against us, and therefore the grant of prize was in this more than in any case the mere bounty of Her Majesty. He differed entirely from the opinion that the rules with regard to prize on land should be assimilated to those with respect to prize at sea. There were many very good reasons for the difference, and an assimilation of the rules would give a great sanction to the practice of plunder on land. That would be most undesirable, on account of the misery which would be entailed in warlike operations.

THE DUKE OF CAMBRIDGE: My Lords, without wishing to prolong this debate, I desire to make an observation with respect to some remarks which fell from the noble Duke (the Duke of Argyll). It should not be forgotten that it is now 15 or 16 years since this question first arose, and I would ask your Lordships how many of the original claimants are now alive to receive the money? I would suggest, as well worthy of consideration, whether some general regulations should not be drawn up and some rules laid down applicable to the distribution of prize of war, and for that distribution to take place soon after the prize is taken; for most of the men alleged to have a right to the money in the present case have long ceased to exist.

THE EARL OF HARROWBY, in reply, would remind their Lordships that the Royal Commission over which he had the honour to preside was specially called together for the very purpose of getting rid of the uncertainty of which the illustrious Duke complained. If their recommendation had been acted upon, there would have been fixed rules and regulations. The Treasury had no rules, professed to follow no precedents, and it was for that very reason that the Royal Commission recommended that the Act of Parliament which Lord Cottenham had introduced for settling those claims should be called into action. If they refused to refer matters to the tribunal which Parliament had sanctioned, they allowed things to return to their old uncertainty. Of course, it was not for him to press a question like this against the feeling of so many noble Lords; but he thought, nevertheless, that it was a great misfortune that such matters, in which the feelings and interests of the British Army were involved, should be referred back to the dark chambers of the Treasury.

Motion (by leave of the House) *withdrawn.*

SANITARY CONDITION OF EDINBURGH.

MOTION FOR A RETURN.

LORD KINNAIRD moved, that there be laid before the House the last Return submitted to the Town Council of Edinburgh by the Burgh engineer. He considered that in anticipation of the Public Health Bill, which would soon come before their Lordships, it would be instructive to them if they had the Report for which he had moved before them. He had been informed that Edinburgh was in such a shocking state, from a sanitary point of view, that the death-rate had increased very much, and that the insurance companies had it in contemplation to raise the rate of insurance on lives. He believed that the report of the Burgh engineer would show conclusively that further legislation was necessary. At the same time, he wished to say that he believed the existing Public Health Act of Scotland was in itself as complete and perfect as an Act of Parliament could be, the only thing wanting was the proper machinery to carry the Act out.

VISCOUNT MELVILLE said, he was surprised to hear that the Scotch insurance companies contemplated raising the rate of insurance on lives in Edinburgh. He did not doubt that the sanitary condition of Edinburgh required seeing after, but that the insurance companies had even thought of taking the action mentioned by the noble Lord was more than he could credit. At the same time, he quite agreed that improved machinery for carrying out the Public Health Act of Scotland was needed.

Motion *agreed to.*

ELEMENTARY EDUCATION (ELECTIONS) BILL [H.L.]

A Bill to confirm certain Orders of the Education Department, and make further provision with respect to the election of school boards and for passing resolutions for an application for a school board—Was *presented* by The LORD PRESIDENT; read 1ª. (No. 231.)

House adjourned at a quarter-past Seven o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 19*th July*, 1872.

MINUTES.]—Supply—*considered in Committee*—Civil Service Estimates—r.p.

Public Bills — *Ordered — First Reading* — Revising Barristers* [262]; Factories (Steam Whistles)* [263].

First Reading—Treaty of Washington* [260]; Local Courts of Record* [259].

Second Reading—Statute Law Revision* [283]; Local Government Supplemental (No. 3)* [254].

Committee—Military Manœuvres* [251]—r.p.: Parish Constables Abolition (*re-comm.*)* [255]—r.p.

Committee—Report—Epping Forest (*re-comm.*)* [71]; Judges' Salaries* [242]; Public Health (*re-comm.*) [215-261].

Considered as amended—Bastardy Laws Amendment [109]; Adulteration of Food, Drugs, &c.* [37].

Third Reading — Grand Juries (Middlesex)* [235], and *passed*.

Withdrawn — Public Worship Facilities (*re-comm.*)* [119]; Public Prosecutors (*re-comm.*)* [203]; Betting* [186].

The House met at Two of the clock.

SHETLAND TRUCK COMMISSION REPORT.—QUESTION.

Sir DAVID WEDDERBURN asked the Secretary of State for the Home Department, Whether his attention has been directed to the Report of the Shetland Truck Commission; and, whether he will undertake to insert next Session in the proposed Truck Bill such additional Clauses as will render that Bill applicable to the case of Shetland?

Mr. BRUCE replied that he had received the Report of the Commissioners on Truck in Shetland, which disclosed a state of things which he was bound to say was not met by the Bill which the Government had introduced. Whether the evils therein exposed, and which were very considerable, could be remedied by legislative interference he did not know; but the subject would receive the attentive consideration of the Government during the Recess.

METROPOLIS — PARLIAMENT STREET.

QUESTION.

Mr. BAILLIE COCHRANE asked the First Commissioner of Works, Whether he is aware that when the houses in Parliament Street, opposite the Public Offices now being erected, are pulled down, the width of the space acquired for the public will be eighty-seven feet at one end and sixty feet at the other; and, what use he contemplates making of the narrow space if he does not add it to the width of Parliament Street?

Mr. AYRTON said, that as long as the houses in question were standing it would be entirely unnecessary for him to consider what was to be done with the land on which they stood. When they were pulled down it would be the duty of the First Commissioner, in communication with the Treasury, to decide what should be done with the vacant ground, which would belong to the Crown.

Mr. BAILLIE COCHRANE: When will the Houses be pulled down?

Mr. AYRTON: When the new Home and Colonial Offices are completed; but in the present state of the building trade it would be impossible to fix a date for their completion.

POOR LAW (METROPOLIS)—PAUPER CHILDREN.—QUESTION.

Mr. W. H. SMITH asked the Secretary to the Local Government Board, If he will state to the House the extent to which the Boards of Guardians of the Metropolitan District have availed themselves of the authority given by the General Order of the 25th of November, 1870, for boarding out pauper children, and the general tenor of the Reports of the Inspectors who have visited the children?

Mr. HIBBERT replied that there were 41 boarding-out committees formed; that of those 10 were in Lancashire, seven in Surrey, and six in Westmoreland, the remaining 18 being in 15 other counties. Of the 134 populous Unions to which the Order was addressed, only 10 had availed themselves of its privileges and had boarded-out 132 children. Four of the 10 were metropolitan Unions—namely, Poplar, St. George's, Kensington, and Bethnal Green, and they had sent out 57 children. The Reports of the Inspectors were, so far, of a very satisfactory and encouraging nature with respect to the working of the system. Mr. Hedley reported on the children in Westmoreland—

"I have personally visited all the children, 12 in number, and am able to report most satisfactorily on the condition of the whole of them as to health, cleanliness, and general appearance. The homes are all of a superior character. To orphans or deserted children, coming up as they do all from either London or Liverpool, there can be no doubt that to them individually the boarding-out system is an immense boon."

CATTLE PLAGUE.—QUESTION.

Sir HENRY SELWIN-IBBETSON said, there was a report that there had been a case of cattle plague at Deptford, and he wished to know from the Vice President of the Council whether the report was correct? He should also like to hear from the right hon. Gentleman, Whether any steps were being taken to prevent the introduction of the disease from Foreign ports?

Mr. W. E. FORSTER replied that that morning one animal out of a cargo of 25 head of cattle which had arrived at Deptford from Cronstadt had, he believed, died of cattle plague, forming the first case that had occurred since the great epidemic. Having arrived there, they would be slaughtered, as would have been the case under any circumstances; but additional precautions would be taken in this case, for, if possible, no communication would be allowed with other parts of the country. The representative of the Veterinary Department had gone down to Deptford to see that that part of the market in which the animal died should be kept isolated not only from animals, but from persons; and the only fear he had was the danger of the infection being taken by any human being who might have happened to go near the animal. As to the animals themselves, every precaution should be taken to prevent the spread of the disease by destroying them, and disinfecting everything on board the vessel in which they came.

Sir HENRY SELWIN-IBBETSON wished to know whether steps would be taken to prevent any further introduction of cattle from Russia?

Mr. W. E. FORSTER replied that the importation from Russia was very small, and the Order would that day be issued preventing it.

Sir JAMES ELPHINSTONE asked how the right hon. Gentleman meant to deal with the ship which brought over the infected animal, for if it went to any other port it might spread the disease there?

Mr. W. E. FORSTER replied that his power was limited by the Act of Parliament. The power he possessed was to take care that the ship was thoroughly disinfected, but he was not aware that the Department had power definitely to stop ships.

THE BALLOT BILL.—QUESTION.

Mr. COLLINS wished to put a Question to the Secretary of State for the Home Department of which he had given him private Notice. An election was now proceeding at Gloucester for the election of a Town Council in that city, and it was being carried on by a system of open voting, contrary to a Statute which provided that the voting should be in secret. That being so, he should like to learn from the right hon. Gentleman, Whether the Government will take into their serious consideration the propriety of prosecuting the real leaders implicated in so open a violation of a Law which has so recently received the Royal Assent?

Mr. BRUCE said, he was sure the House must have observed with great admiration the zeal of the hon. Gentleman in enforcing a law in passing which through Parliament, its supporters had received no great assistance from him. He hoped, however, to be able to relieve the hon. Gentleman from all anxiety on the subject. He had received no special information on the subject to which the Question related, but the election would date from the day of the nomination; and if the election were proceeding today and the nomination had been made previously, there would be no violation of the law in voting openly. In any case, the matter was not for the decision of the Secretary for the Home Department, but rather for a prosecution by the proper person under the Act.

THE COUNTESS OF MAYO.

MESSAGE FROM THE QUEEN.

Message from Her Majesty *brought up*, and read by Mr. Speaker (all the Members being uncovered), as follows:—

VICTORIA R.

Her Majesty, taking into consideration the distinguished Services performed by the late Richard Southwell, Earl of Mayo, Her Majesty's Vice Roy and Governor General of India, and the loss of his life in Her service and in the discharge of public duty, and being desirous, in *recognition of such Services, and in view of the circumstances of his death, to confer some signal mark of Her Favour upon his Widow Blanche Julia, Countess of Mayo, recommends it to Her Faithful Commons that She should be enabled to make provision for securing to the Countess of Mayo a pension of One Thousand Pounds per annum for the term of her natural life.*

V.R.

MR. GLADSTONE moved that the Message be taken into consideration on Monday next.

Motion *agreed to;* Committee thereupon on *Monday* next.

PARLIAMENT—PUBLIC BUSINESS—BUSINESS OF THE HOUSE.

RESOLUTION.

MR. GLADSTONE, in moving—

> "That upon Tuesday next, and every succeeding Tuesday, during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority,"

said, that on having looked back with some care to the dates at which this Motion had commonly been made, he had found that it was usually made about three weeks before the close of the Session. In 1868 it was made on the 6th of July, and the Prorogation took place on the 31st of July; in 1870, the Motion was made on the 25th of July, and the Prorogation took place on the 10th of August, and in 1871 the Motion was made on the 31st of July, and on the 21st of August Parliament was prorogued. He hoped it might be possible to bring the Business of the present Session to a close in less than three weeks, and the House would perhaps think it not unreasonable that this Motion should now be made.

MR. NEWDEGATE said, he did not intend to object to the Motion, but must be allowed to make one remark upon the alterations which had taken place in the proceedings of the House in an early part of the Session. The Motion of the right hon. Gentleman was, in point of fact, a sentence of death on many measures which had been introduced by private Members. It might be necessary at this time of the Session to carry out this system of execution; but it would have been more courteous towards non-official Members if an earlier Notice had been given of the intention of the Government. The proceedings of that House had been so altered that they had now Morning Sittings before Easter; and, as the House on those occasions met at 2 o'clock, adjourned at 7, and again met at 9 o'clock, the effect was that the time available for Motions and Orders introduced by non-official Members was now practically one-half of what it had been before. Two Sessions ago there had been a Select Committee to consider the subject of the Business of the House, but of all the Resolutions come to by that Committee, only that which conferred additional facilities on the Government to the detriment of non-official Members had been passed by the House, and non-official Members were now incapacitated from passing into law any measures which they proposed. The result of the present arrangement, therefore, was that after Whitsuntide non-official Members were incapacitated from proceeding with their measures, not by the decision of the House, but by the want of an opportunity of obtaining that decision. Under the new arrangement, the Business of the House was more and more falling into the hands of the Government, and, as they were supported by the Leaders of the Opposition, private Members had lost that security which they formerly possessed for the performance of their duties to their constituents. He feared that in next Session the invasion on the representative character of the House would be still greater, but he trusted that non-official Members would not fail, if not in the present Session, at least in the next, to assert their ancient privileges.

COLONEL WILSON-PATTEN said, he desired to call the attention of the right hon. Gentleman at the head of the Government to the Rule relating to Public Business agreed to by the Select Committee, to the effect that no Opposed Business should be taken after half-past 12 o'clock. The right hon. Gentleman induced the House to alter that Resolution, so as to provide that no Business with regard to which Notice of Opposition had been previously given should be taken after half-past 12 o'clock. He asked whether the Government had derived any benefit from that alteration? A better instance of the consequence of that alteration could not be given than what occurred last night. He was ready to render every assistance to the Government to carry on the Business they proposed, but at a certain hour the House was unwilling to proceed with it. He, therefore, left the House at half-past 1 o'clock that morning. He devoted as much attention to the Business of the House as could be reasonably expected of him at his time of life; but at the hour when he left discussions arose upon different Motions of Adjournment. He was aware that the Government felt that they must press forward their Business; but was it not worth their while to carry out the Resolution of the Select Committee? There were always several unopposed Orders of the Day on the Paper, and if the Government chose to proceed with them after half-past 12 o'clock, the House would never be unwilling to dispose of them. He trusted that the right hon. Gentleman would abide by the Resolution of the Select Committee that no Opposed Business should be taken after half-past 12 o'clock, for he believed it was almost the unanimous feeling of the House that no good had resulted from the departure from that Rule, because, whenever Opposed Business came on after that hour, repeated Motions for Adjournment were made. In fact, he believed that last night there were three or four Motions of Adjournment. By the present system of late Sittings the health of Members was seriously affected. He, therefore, hoped the Government would next Session adopt some definite and fixed Rule for the transaction of the Public Business, adhering to the limit of half-past 12 for bringing on Opposed measures. If the Government distinctly acceded to that, he should be disposed to make considerable concessions to them with regard to the conduct of Business on other than Government nights.

Mr. BOUVERIE thought that was hardly the proper opportunity for discussing the conduct of Business; but he thought there could be no doubt that the Rule which had been laid down that Session of taking no Opposed new matter after 12.30 A.M. was universally approved. His right hon. Friend at the head of the Government must bear in mind that by the operation of the new Rule with reference to Committee of Supply, the rights of independent Members had been very much curtailed; and if the Motion he now made was agreed to, practically the Government would be in possession of the whole time of the House up to the end of the Session. There did not appear on the Notice Paper any important Notice for Tuesday, except one which had been given by his hon. Friend the Member for Maidstone (Sir John Lubbock). That Motion had reference to one of the Departments of the Government which ought to be discussed, and if this Motion were agreed to his hon. Friend would be entirely shut out from bringing it before the House. He hoped, therefore, his right hon. Friend at the head of the Government would make an exception of that Motion, or give the hon. Member for Maidstone another legitimate opportunity of bringing it forward at a reasonable hour.

Sir HENRY SELWIN-IBBETSON reminded private Members that the Rule prohibiting the commencement of Opposed Business after half-past 12 o'clock had done as much as anything to prevent them from bringing forward their Motions. He suggested that the Government should propose next Session the appointment of a Committee to consider the Rules of the House, for unless some alteration was made in the mode of carrying on Business, private Members might give up all idea of carrying their measures through.

Mr. W. M. TORRENS observed that besides several matters which affected large classes of the community, and which would be considered out-of-doors to have been got rid of by a side-wind, if the House had not the opportunity of considering them, there was another subject for discussion on Tuesday evening, which had not been referred to by his right hon. Friend the Member for Kilmarnock—he meant an important Bill which had on the back of it the name of his hon. and learned Friend the Member for Richmond, in which he (Mr. W. M. Torrens) took much interest, and on which they had vainly endeavoured to elicit the views of the Government. For himself, he refused to recognize the gangway as the division of competency in that House. There never had been in his experience a more docile Session of Parliament than the present; there was nothing whatever that the Government could complain of as an interruption of Public Business; and he trusted independent Members were not to be still further deprived of their opportunities of debate and legislation. In fact, if the present system was to be continued the Members of the Government might just as well meet in Downing Street, and transact the whole of their business in that locality. It was entirely the fault of the Government that they were then unable to proceed with the Public Business on the eve of the Dog-days. Why did they not bring forward a proper plan for the conduct of Public Business? They first took one night from private Members, and then another, and now it was proposed to take Tuesday away from them. He ventured to tell the right hon. Gentleman he would not shorten the Session by carrying the present Motion. It would only tend to waste time on other nights. The truth of the matter was, although the House might disguise it for some little time longer, they were every year, every month and day, falling more and more into the course of personal government which they had seen exemplified in other places. He trusted that hon. Members would not give up their right of discussing matters in which their constituents felt an interest.

MR. BERESFORD HOPE confessed he was one of those who had conduced to keep Mr. Speaker in the Chair till he was happily released by a count-out at half-past 3 o'clock that morning. A Bill which some people considered of importance was advanced a stage; and he thought they did good work, though personally they suffered for it. He must say upon the whole that the Rule not to take new Opposed matter after 12.30 A.M. had worked well. Everyone who looked back to last Session and the Session before must reflect with shame and confusion on their condition ordinarily between the hours of 12 and 3 in the months of June, July, and August. Perfect confusion and uncertainty prevailed sometimes; hon. Members taking for granted that something would not come on which did come on, and then on looking at the journals next morning, they found the measure in which they were interested had passed. Then there were constant Motions to adjourn the House, and hon. Members were sick, sulky, and at war with themselves and the world till 3 o'clock. The right hon. Member for the Tower Hamlets (Mr. Ayrton) might, for all he knew, have a triumphant answer to make to the charge, but if he had, his worst friends were those who sat beside him on the Treasury bench, if they did not allow that answer to be given by giving an opportunity for debating the matter in that House. The question was one upon which the mind of England was, whether rightly or wrongly, excited. [*Laughter.*] Yes, the question was taken up by the public journals, and was much discussed in private and scientific circles. [*Laughter, and* "Question!"] When independent Members heard cries of Question from the Treasury Bench it only seemed as an incitement to them to persevere in their remarks. He hoped that if the Tuesdays were given up to the Government at the present comparatively early date in the Session, it would be on the clear and specific understanding that the Government would not refuse to give to a Member of their body an opportunity of vindicating his conduct in relation to the management of Kew Gardens.

MR. BRUCE said, he quite concurred with the hon. Member for Finsbury (Mr. W. M. Torrens) in thinking that the Government had no cause to complain of the treatment which they had received from the House during the present Session. They had, on the contrary, received from the House the most generous assistance. In asking for additional facilities at the present period it was their desire to give private Members no cause of complaint, and they were acting under the belief that in the course they were taking they were complying with the general wish of the House. The Government, at the demand of the House and of the country, had introduced a variety of measures which they had pressed forward as far as they could; but they had not yet been able to give effect to them, and they were now in this position—that they could only pass these measures through Parliament by trenching somewhat on the rights of private Members, and therefore it was that they made this appeal to the House. His hon. Friend had referred to the Building Societies Bill; but he would remind him that the Government had issued a Commission to inquire into the subject of Friendly Societies, and that, although that Commission had made its Report the whole of the evidence had not yet appeared. The Session had been one of a peculiarly heavy nature, especially so far as the Home Department was concerned, and it was absolutely impossible therefore that he could have given to the question that consideration which it deserved. He might add that the Royal Commission had signified that they were opposed to some of the clauses of the Bill, and as it concerned his (Mr. Bruce's) Department, had reported to him that they thought it was one which ought not to pass in its present shape. There was also a considerable number of Amendments on the Paper, and the Bill itself would give rise to considerable discussion, and therefore he thought it would be impossible to pass the Bill that Session. He would not enter into other matters for the purpose of vindicating the conduct of the Government in demanding from the House an extension of the time already possessed by them.

LORD JOHN MANNERS said, that if the independent Members had behaved handsomely towards the Government, they had behaved very unhandsomely towards the independent Members. The fact was, the greatest confusion had prevailed in the conduct of the Public Business under the auspices of the present Ministry, because ever since they had come into office they had preferred political and partizan legislation to that non-political and useful practical legislation in which the great mass of Her Majesty's subjects were interested. The consequence was, that the House found itself now in the Dog-days discussing one of the most important measures of the Session, and the scene which had occurred early that morning was, in his opinion, very little creditable to the Government, and very little conducive to the public interests. Until the present Government came into power the management of the Public Business was confided to the non-political Secretary of the Treasury, acting, of course, under the Prime Minister. That important duty was now, however, discharged by the political Secretary to the Treasury. [Mr. GLADSTONE: That is totally wrong.] If he was wrong, he was extremely glad to be corrected; but, whatever the cause, it was perfectly clear that the conduct of the Business of the House was not what it ought to be, and that a return to the former system would be of advantage. He hoped, he might add, that a full opportunity would be given for the discussion which had been referred to by the right hon. Member for Kilmarnock and his hon. Friend the Member for the University of Cambridge on the Motion of the hon. Member for Maidstone. In those cases in which the conduct of a Minister was impugned it was obviously the duty of the Government to afford every facility for the discussion of the subject, and he hoped some Member of the Government would explain clearly what it was they proposed to do in the matter. There was another subject to which he wished briefly to advert. An arrangement had a few days ago been entered into between the Government and his hon. Friend the Member for Westminster (Mr. W. H. Smith) on the subject of the Thames Embankment Bill, which he understood was to come on at half-past 10 on Monday next. Since then, however, there was a statement to the effect that negotiations were going on for the purchase of Northumberland House, and it was, he thought, desirable that the question of the Thames Embankment should not be discussed until the result of those negotiations between the Metropolitan Board of Works and the Duke of Northumberland was known. There was no chance, however, he understood, that the negotiations would come to a close before Monday next, and he would therefore suggest, with a view to facilitating Public Business, that the discussion to which he was referring should be postponed until next Session. As to the conduct of the Business of the House as it affected the privileges of private Members, he quite concurred in what had fallen from his right hon. Friend the Member for North Lancashire (Colonel Wilson-Patten), and he should next Session take an early opportunity of bringing forward a Motion to the effect that the House should always meet at 2 o'clock on Tuesdays, and that the time from that hour until 7 should be at the disposal of private Members, the Government Business, whenever it was necessary to have a second Sitting, to be taken on the re-assembling of the House at 9 o'clock. By that means private Members would have secured to them a certain number of hours on Tuesday.

MR. GLADSTONE said, he must do the noble Lord the justice to say that on no occasion when a possible opportunity offered did he neglect it for the purpose of raising questions of political contention. Even on the most trivial matters of business the noble Lord, if he could not make the debate sharp in any other way, always contrived to drop a small portion of vinegar into it, in order to add savour and piquancy to the discussion—no matter whether it was upon the Business of the House or the construction of the universe. The noble Lord had introduced into his remarks a variety of topics, beginning with want of confidence in the Government, and ending with Northumberland House, and it was quite true, as he had stated, that the Government had entered into an arrangement with the hon. Member for Westminster with respect to the discussion on the Thames Embankment Bill. If anything should occur to render an alteration in that arrangement desirable, he should take care that the House should have Notice on the subject that evening. He was not aware, however, at that moment that there was anything which would be likely to interfere with it. He must say, with regard to what had fallen from the right hon. Member for North Lancashire (Colonel Wilson-Patten), who was always desirous of facilitating the Business of the House, that it was very doubtful whether he had progressed matters much by introducing the general question of the arrangement of the Business of the House, which they found it wholly impossible to discuss. He could not agree with the sweeping condemnation which had been made against the working of the half-past 12 system. He was, however, not going into that matter then, because, before discussing it, it would require some further consideration—indeed, he would say that it demanded it. In the course of this discussion one practical question had been raised with regard to the Motion of which his hon. Friend the Member for Maidstone (Sir John Lubbock) had given Notice in relation to the case of Kew Gardens. A mistake had been made by his right hon. Friend (Mr. Bouverie) and other hon. Gentlemen, who had proceeded on the supposition that the hon. Member for Maidstone had got possession of a day for the purpose of bringing his Motion forward, and that the Government were about to displace him from that day—in fact, there was not the faintest possibility of the hon. Member being able to bring it forward on that day, or rather the odds against him, if carefully calculated, would be a thousand to one. This Motion stood seventh on the list for the 30th of July, and the six Motions preceding it embraced four subjects of the greatest political interest and importance, and each one, according to the usage of this House, could hardly be disposed of at one Sitting, even if it stood alone. He wished to make these remarks in order to disconnect the subject from the Motion now before the House, although he did not at all disagree with what had fallen from his right hon. Friend and others, as to the desirability of enabling any hon. Member who wished to question the conduct of the Government to bring his Motion forward in some way or other according to the convenience of the House. He must repeat that he did not think the hon. Member for Maidstone had the smallest chance of bringing forward his Motion on the evening referred to; but the Government were desirous to give the hon. Baronet every assistance. If the hon. Member for Finsbury (Mr. W. M. Torrens) was willing to admit that the Government should have until the 21st of August for the prosecution of Government measures, he (Mr. Gladstone) would admit that he had no case for the Motion. But that not being the case, he thought the Motion which he had brought forward was reasonable, and he trusted it would be agreed to.

MR. CAVENDISH BENTINCK congratulated his hon. Friend the Member for Finsbury (Mr. W. M. Torrens), and his other Friends below the gangway on being at last awakened to a sense of their perilous situation. For the last three Sessions they had been deaf to his voice; but he hoped they would now enter into a solemn league and covenant with him and his Colleagues with a view to resist in future the oppression and the aggressions of the Government on both sides. He hoped they would take care next Session not to sanction a renewal of the unconstitutional practice of Mr. Speaker leaving the Chair without it being in the power of any hon. Member to bring forward matters of grievance. Likewise, he sincerely trusted there would be an abrogation of the half-past 12 o'clock Rule, which had so pleased his hon. and learned Friend the Member for Boston (Mr. Collins), because it had enabled him to defeat a most righteous measure—the marriage with a deceased wife's sister. The present difficulty was owing to two causes. First, the Government brought in too many Bills; and, secondly, they made too many mistakes. Of course, it was not in the power of the Government to avoid mistakes; but it certainly was in their power to avoid bringing in too many Bills. Let the Government in future avoid sensational legislation, and try to confer some real benefit on the country at large.

Mr. RYLANDS remarked that a large amount of expenditure still remained to be voted. The Votes in Supply still remaining to be disposed of amounted to about £7,750,000 for the Army, upwards of £3,000,000 for the Navy, and something like £5,000,000 for the Civil Service. Therefore, on the 19th of July, the House had still to vote no less than £15,000,000. He wished to remind his hon. Friends below the gangway that they could not exercise a proper influence over the right hon. Gentlemen above the gangway if they stayed away while the Estimates were being considered. If the Motion were carried—and he, for one, should vote for it—he hoped it would be on the understanding that the Government would not put Supply into a corner. The noble Lord opposite (Lord John Manners) and the hon. Gentleman the Member for Whitehaven (Mr. C. Bentinck) were both in states of mind of a very peculiar character. The noble Lord was in a state of chaos, while the hon. Gentleman was in a state of alarm. Both of them made an appeal to the House from their different points of view. The noble Lord assumed that the Government had nothing to show for the time they had occupied this Session. Now he, on the other hand, ventured to assert that they had a great deal to show, and that the country at large would consider the Session a satisfactory one if it were distinguished only by the passing of the Ballot Bill. The noble Lord had alleged that the Government had occupied all the time of Parliament with political measures. This Session had, however, been in a remarkable manner devoid of political questions. Even the Ballot Bill could hardly be considered as a party political measure, inasmuch as many hon. Gentlemen opposite were advocates of it. Perhaps that was beside the point, but, at all events, the Government had brought in the Scotch Education Bill, the Mines Regulation Bill, the Public Health Bill, and the Licensing Bill, none of which were party measures. In regard to the last named Bill, might he venture very earnestly to submit to the Government that if they had the Tuesdays at their disposal they ought to give it the first place. He trusted the Government would not occupy the short remainder of the Session by pressing forward the Military Forces Localization Bill, for he thought it was a measure which could very well wait until next Session.

Mr. BAILLIE COCHRANE thought the Government had better rest and be thankful, believing that over-legislation was the fault of the present day. He also believed the conduct of Public Business would be greatly facilitated if a new rule were made about the "counting-out" of the House. ["Oh, oh!"] Hon. Gentlemen might cry "Oh, oh!" but he had seen the hon. and learned Member for Boston (Mr. Collins) prowling about the House watching his opportunity to get a count.

Mr. COLLINS appealed to Mr. Speaker as to whether the hon. Gentleman was in Order in making these remarks, seeing there was a Notice on the Paper in reference to the practice of counting-out?

Mr. BAILLIE COCHRANE said, he was perfectly in Order, for he had alluded to the subject then for fear the House should be counted out at 9 o'clock. In his opinion, no hon. Member ought to be allowed to count out the House more than once in each Session. A great deal of time was lost in consequence of the House being counted out the moment after Mr. Speaker took the Chair.

Sir JOHN LUBBOCK said, that as in the course of the discussion frequent allusion had been made to the Motion which stood in his name, he would take this opportunity of thanking the right hon. Gentleman at the head of the Government for the promise that he should be afforded an opportunity for bringing forward his Motion with reference to the management of Kew Gardens.

Mr. W. H. SMITH believed it would be for the public advantage that the Thames Embankment Bill should not be proceeded with this year. If it were proceeded with, he should persist in the Amendments of which he had given Notice, and from the amount of support accorded to them he thought they would be carried. The Government would, he hoped, withdraw the Bill, in order to give time for negotiations which would enable the Metropolitan Board and the Government to deal in a satisfactory manner with the land on the Embankment. With regard to the half-past 12 o'clock Rule, he was of opinion that it had tended to protract debates and delay Public Business, for discussions were sometimes prolonged in order that this hour might be reached and other Business postponed.

MR. GLADSTONE, answering the suggestion of the hon. Member for Westminster, said he could not postpone the Thames Embankment Bill.

MR. J. LOWTHER said, he took exception to the statement that the discussion on Government Orders had been protracted beyond the proper limit, and would not follow the example set by the hon. Member for Warrington (Mr. Rylands), who had indulged in a retrospect of the Session, which, if a little more reliable, might be deserving of attention in the preparation of Her Majesty's most gracious Speech from the Throne. The hon. Member for Whitehaven (Mr. C. Bentinck) had said the provision restricting Opposed Business to half-past 12 o'clock was due to the zeal of the hon. and learned Member for Boston, and intended to defeat the measure relating to marriage with a deceased wife's sister. He was as strenuous a supporter of the measure as the hon. Member for Whitehaven, but he must protest against the assumption that those who supported a Rule which tended to prevent mischievous legislation being forced upon a jaded House during the small hours were actuated by feelings in reference to any particular measure. As to the Motion of the right hon. Gentleman, he would accept it with a modification. Private Members must, no doubt, abandon any idea of forcing their Bills through Parliament at this period of the Session; but while the Government Orders had precedence over other Orders of the Day on Tuesdays, he suggested that Notices of Motion should have precedence over Orders of the Day.

MR. GOURLEY entered his protest against this proposal of the Government, having charge of a Bill which was down for discussion next Tuesday. The Royal Commissioners had issued their Report on the subject of the Bill, which was framed in accordance with their recommendations.

MR. SPEAKER: The hon. Member is not in Order, for he is not only discussing a Bill which is not before the House, but is entering into the details of the Bill.

MR. ASSHETON CROSS reminded the House that an hour and 20 minutes had already been spent in discussing this question, and asked whether it was not now time to enter upon Business.

MR. VERNON HARCOURT said, that while private Members might be willing to sacrifice their claims for the purpose of carrying measures of great public importance—such as the Public Health Bill, the Licensing Bill, or the Military Re-organization Bill—he could not understand why they should be asked to make sacrifices for the sake of advancing the Thames Embankment Bill, which was nothing more than a small Treasury squabble, and was a subject unworthy of any sacrifices by private Members.

MR. BOUVERIE wished to state that he had withdrawn his Motion respecting Irish Army agents, the Government having acceded to the suggestion made from the War Office for compensating those persons.

Motion *agreed to.*

Resolved, That upon Tuesday next, and every succeeding Tuesday, during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority.—(*Mr. Gladstone.*)

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

EDUCATION—ELEMENTARY SCHOOL TEACHERS.—RESOLUTION.

MR. B. SAMUELSON, in rising to call attention to the defective condition of apprenticeship and training of persons intending to follow the profession of Elementary School Teachers; and to move—"That it is desirable to reconsider the Grants for Public Elementary Education, so as to encourage the establishment of Undenominational Normal Schools," said, the first object was to secure the attendance of children at school, and the next was to provide that they should be well taught. He must express his regret that it was not in the power of his right hon. Friend the Vice President of the Committee of Council to place in the hands of hon. Members the Report of the Committee for the past year sooner; but having considered the Report for 1870, and to a great extent that for 1871, he must repeat his conviction that the Government did not give the subject to which he was referring the attention which it deserved at their hands. As regarded the supply of teachers, the Report of 1870, speaking of the supply of elementary teachers in England and Wales, stated that the supply at the time was 12,500, and that it would be necessary to raise the number to 25,000, in consequence of the increased number of schools which would be established. In the Report which had been just issued, the number for England, Scotland, and Wales was estimated at 30,000. Now, in Prussia, in 1864, the number of elementary teachers for a population of 19,000,000 was 37,000, so that, according to the due proportion Great Britain alone, for a population of 26,000,000, would require 52,000 elementary teachers; and making every possible allowance for the services of pupil teachers, he did not see how the number could be reduced as low as 30,000 when elementary education became universal. But even supposing that 30,000 would be sufficient, which he did not admit, the right hon. Gentleman only allowed 5 per cent for waste, and he contended that that was quite inadequate, especially with reference to female teachers, a large number of whom upon marriage were obliged to abandon their profession of teaching. As to the quality of education, it appeared on all hands that the pupil teachers on the completion of their term of service were not properly prepared to enter the training colleges. In fact, nearly the whole of the first year's course was devoted to teaching the pupil teachers those subjects with which they ought to have been well acquainted before. When tests had been abolished in the Universities, he did not believe it could be contended that while four-fifths of the cost of the education of students in training colleges—amounting this year to £104,000—were paid by the Government, the admission to those colleges should, with the exception of certain qualifications being required, remain absolutely within the control of the managers of the colleges, who in most instances insisted upon adherence to their own particular tenets. He did not say that it had been in the power of the right hon. Gentleman to suddenly change this state of things, but he thought it was the duty of the right hon. Gentleman to contemplate the necessity for making an alteration at an early date; and he trusted that the right hon. Gentleman would lay before the House some plan by which they would be assured that an adequate supply of well-trained teachers could be obtained, and a fair share of the public money given to those who believed that the training of these teachers should not be denominational. He believed that the time at which the senior A A examination was passed was before the age of 17. He also believed that many of the students of Scotch Universities were under 19 when they left to take the charge of schools. But elementary teachers were kept till the age of 18, without precaution being taken that they should be taught what was most serviceable. He was told that in the latter years of the course they were apt to become—if not rebellious — careless. The career of these young people ought not to be sacrificed for the exigencies of the school. The results of the present system were not satisfactory, and he thought that it was a mistake to require that no students should enter the training schools until they were 19 years of age; and to burden those colleges with any fresh subjects under any condition whatever. He would give those qualified to enter the training colleges at an earlier age than 19 years every inducement to do so, and would hold out encouragements for them to remain there for three years instead of two. He believed that plan might be carried out without additional expense, for the country was not bound to pay for the whole of the maintenance of the students. He must again say that he regretted that the Report had not been placed in the hands of hon. Members until the day before yesterday, so that short time had been given for its being studied, for the matter was one which required very close scrutiny, both by the Education Department, and by all who were interested in the progress of education. There had been a great demand of late for the introduction of scientific subjects into the training colleges; but he deprecated that being done until they were satisfied that the present subjects were taught satisfactorily. In Berlin and nearly all the great towns of Prussia the boarding system had ceased to exist, and the young people lived with their parents instead of with teachers, an example which he thought might be followed with advantage. What he asked now was that the school boards should be aided in establishing normal schools, and that the pupils should be received earlier and kept longer; and he believed that would secure a much better class of teachers. The subject was one which demanded, and which, he hoped, would receive, earnest attention on the part of Her Majesty's Government. He would conclude by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House it is desirable to reconsider the Grants for Public Elementary Education, so as to encourage the establishment of Undenominational Normal Schools,"—(*Mr. Samuelson,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KAY-SHUTTLEWORTH said, the House could scarcely have expected, looking to the Notice of Motion given by the hon. Member for Banbury, that he would have found so much fault with the system of pupil teachers and with the training colleges, which were two of the most valuable parts of the educational system set up by the Minutes of 1846, and developed by subsequent Minutes of the Council of Education. He feared there was some foundation for the statement that of late the pupil teachers had entered the training colleges inadequately prepared, but the defects in their training had been very greatly exaggerated. The establishment of the system of pupil teachers and of training colleges was the result of careful inquiries in France, Switzerland, Germany, and Holland, and of subsequent experiments made in England at Battersea and Norwood; but since its adoption in 1846 it had experienced many vicissitudes. In 1861, it received a severe blow from the Revised Code, which withdrew the direct remuneration of the principal teacher for the successful instruction of pupil teachers, reduced the period of instruction, and lowered the standard of examination of pupil teachers; while the changes made in the training colleges had also an injurious effect, as the syllabus of studies was curtailed, and the entrance and annual examinations were made less searching. As a consequence of the Revised Code, the number of students in the colleges declined from 3,107 in 1863 to 1,922 in 1867, and the number of pupil teachers in 1866 was less by 5,306 than in 1861. This diminution in numbers accompanied the deterioration in quality. He was happy, however, to think that the system was recovering from this shock. The number of pupil teachers had increased from 11,519 in 1867 to 20,454 in 1871. The hon. Member for Banbury had not quoted any authority in support of his strictures on the pupil-teacher system. He (Mr. Kay-Shuttleworth) might, on the other hand, refer to the account given of it by the Royal Commission, which reported in 1861, cold and critical though that account was. The Commissioners stated that almost all the evidence went to prove that the effect of the presence of pupil teachers upon the condition of the schools was very beneficial, especially when compared with the influence exercised over the schools by monitors. Would the hon. Member go back to the old monitorial system?

MR. B. SAMUELSON denied that he wished anything of the kind; what he advocated was the training of a better class of teachers by means of colleges.

MR. KAY-SHUTTLEWORTH understood the hon. Member to propose that pupil teachers should serve in schools for only three years, instead of five years as at present. This would be a step back towards the monitorial system. He ventured to say that if the hon. Member inquired into the matter, he would become assured that the services rendered by pupil teachers during the last two years of their apprenticeship were considered of more value to the school than those of the other three years. In those two years they were of great use as teachers, and acquired the knowledge fitting them to enter the training college. The hon. Member asked that a fair share of the public money should be given for training colleges different to those already existing. But there was nothing in the regulations of the Committee of the Privy Council which would prevent that Department giving annual grants to any training colleges which might be raised. The hon. Member could scarcely ask more than was done for existing colleges, and if he could inspire any persons with enthusiasm sufficient to cause them to found a different kind of college, he would have no difficulty in obtaining grants from the Department. A plan had recently been suggested to the London School Board that the Government should provide a college which would afford neither board nor lodging; but the Committee appointed to consider it had not approved of it. The hon. Member had referred to the case of Germany, and had stated that the old colleges which boarded and lodged students had been abandoned, and that day-colleges had been substituted for them. Now, he had seen no report to that effect. The latest information which we possessed on the subject was published in 1859, by Dr. Pattison, now the Rector of Lincoln.

Mr. B. SAMUELSON said, he had visited Prussia for the express purpose of informing himself on the subject in the autumn of last year.

Mr. KAY-SHUTTLEWORTH said, that might be, for the system in Germany had undergone frequent changes; but the Report to which he was referring stated that the teachers in the elementary schools in Germany underwent a long and careful training in colleges set apart for the purpose, and that in all the colleges the pupils were required to live on the premises. It was clear, therefore, that if the hon. Member based his argument on the results attained in Germany, those had not been obtained by means of day-colleges, but by colleges similar to our own. He was glad that the hon. Member had drawn attention to the great want of an additional supply of teachers; but he must demur to the large estimate which he had given of the number that would be required in future years. He thought it would be nearer the mark to say that the number of teachers that would eventually be required would be about 30,000. According to a statement published by the London School Board there existed now a deficiency of about 8,399 teachers below the number requisite for 3,250,000 of children; or, there would be wanted in two or three years, with the increase of population, 10,000 additional teachers; but, on the other hand, the Board estimated that the training colleges could, by the end of 1873, supply 3,402, and they expected an addition of 1,246 ex-pupil teachers and acting teachers, and in 1873 a further sum of 830, making a gross addition to our teachers of 5,478. Against that increase must be set two years' waste on the present staff. Deducting, therefore, 2,625, the School Board calculated that we had not at present the means of adding more than 2,853 teachers to the existing staff before the close of 1873, whereas we should need about 10,000. The hon. Member had alluded to the Reports of the Inspector last year on the training colleges; but on turning to Mr. Cowie's Report for this year, he (Mr. Kay-Shuttleworth) found that gentleman reporting that he was convinced that, taking the training colleges all together, they were doing good and honest service, and were endeavouring to make the most out of the material on which they were expending their energies. In conclusion, there could, he thought, be no greater mistake, when we were endeavouring to supply a great want of teachers, than to depreciate the means for obtaining and training them which we already possessed, or to attribute the defects of the existing system to the wrong causes.

Sir CHARLES ADDERLEY said, no words which he could use could condemn the proposal of the hon. Gentleman opposite more strongly than it condemned itself. The hon. Member for Banbury proposed practically to reduce the training of pupil teachers from five years to three, and yet the scheme was described as one for improving the education of pupil teachers. Such a proposal, if adopted, would soon bring us back to the old monitorial system, under which untrained children in the school were *faute de mieux* employed to teach children only still more ignorant than themselves. During the last 40 years the efforts of educational reformers had been mainly directed to raising the standard of the training of teachers for our elementary schools. As to the other proposal of the hon. Member to increase the number of teachers by allowing students in the colleges to reside in lodgings in the neighbouring towns, it would be utterly destructive of all discipline while it would fail to attain the object in view. The out-students would damage the training of those in college, and by no means supplement their deficiency. Again, the hon. Member had not succeeded in proving that establishing secular training colleges would tend to increase the supply of teachers. It would certainly result in the loss of voluntary aid given to training colleges by the zeal of the various religious bodies. A secular college would certainly have no private support or interest taken in it. In his opinion, it would be better to rely for an increase in the colleges on the increased demand for pupil teachers, which demand, more and more supporting itself, they would be able fully to supply with the assistance now given to them by the State.

MR. DIXON said, the Report published by the Education Department for last year had only been sent to hon. Members that morning, and as they had not adjourned till 3 30 A.M., of course, they had been unable to give sufficient attention to the document. Consequently, they did not know what the Education Department had done in the last 12 months, or what they intended to do during the coming year. It appeared from the hon. Member for Banbury (Mr. B. Samuelson's) experience in Germany last year, that the Germans were departing from the system which formerly obtained, and which was described in the Rector of Lincoln's Report. The effect of that change was that instead of pupil teachers being at present all boarders, as was the case 12 or 13 years ago, when the Rector of Lincoln's Report was written, the system had been altered in the direction intimated by his hon. Friend (Mr. B. Samuelson), and they had no boarders now at all—at least, very few. [Mr. B. SAMUELSON: They have none.] Then the next question came to be—Was the system of pupil teachers really the best system that could be adopted? He did not believe it was the best, and, in his opinion, Prussia showed that there was a better still. The result of the present system in England was, that the greater part of the scholars in our large schools were taught by apprentices from the age of 13 to the age of 18, whereas in Prussia the scholars were taught by trained teachers who had passed through the training colleges and received certificates of merit. The great merit of the pupil-teacher system was said to consist in this—that these young people were trained early for the business of their future lives. But how were they trained? It was by the most exhausting labour, and teaching those who were almost as old as themselves; and after they had undergone this exhausting labour, it was expected that they should devote themselves to preparing for the training colleges. Under these circumstances, could it be wondered at if they failed? The real question was, whether we could not do something to improve this system? The Reports showed that though religious instruction was well attended to, yet the results in reference to secular teaching were not equally satisfactory, and especially so in reference to such subjects as grammar and mathematics. He would say that not only was the system of pupil teachers an unsatisfactory one, but that from the very nature of things it could not last. They depended to a very large extent upon pupil teachers for the supply of teachers; but in the large schools, where the very best system should be carried out, it was found that the numbers of pupil teachers was very much in excess of the number of other teachers, so that most of the children were educated by apprentices, and there was being brought up a larger number of pupil teachers than could possibly find situations in the schools hereafter. He knew that the present demand was far beyond the supply; but as soon as they had got their supply, they could not continue the system of pupil teachers, because it would either give a larger number of teachers than would be required, or else pupil teachers must go through their course with the intention upon its completion of turning to some other profession. He should like the Government to take this matter fully into consideration, and to intimate to the country what their views were upon the whole question. He hoped that they would not forget the experience of Prussia; and he thought that it would be of advantage if they could diminish the amount of work done by the pupil teachers prior to their going to the colleges, and increase the number of years of stay in those colleges; and it would be specially important if they could be taught the art of teaching as such persons were taught in Prussia. After they came from the training colleges their course should be completed as young men in our schools. That being so, it would be absolutely necessary that we should alter the system of our denominational colleges, and consider whether day-colleges could not in some way be permitted. That would render the cost of education much less to the State, which now paid three-fourths of the cost of maintenance as well as of the cost of teaching. Day-colleges would also to a great extent get over the religious difficulty, for the present colleges were not only denominational, but for the most part they belonged to one denomination only. By having adult teachers in our schools, he believed that they would much improve the existing educational system, and in doing so, would make it cheaper.

Mr. W. E. FORSTER said, he entirely agreed in the regret that they had not more time for the discussion of this question, but it was not his fault that he had not been able sooner to bring the Estimates before them. The subject was, no doubt, a most important one. With regard to the Report, he was sorry that it had not yet been got out; he had done his best to hasten it; but it had been exceedingly difficult to get it out early on account of the Returns which were to be considered in it; but he trusted that in future years some means would be found by which it could be laid before the country earlier. But the present year was one of the most exceptional work in the office, in consequence of their having to bring the Act into operation, and he hoped that in the coming year his own time would be more entirely devoted to the educational work of the Department; but he must strenuously deny that even as it was, this important subject had been neglected. As to the particular Motion he had nothing to complain of in the tone of the hon. Member (Mr. B. Samuelson), who was, indeed, very forbearing towards him (Mr. W. E. Forster); but he had a right to complain when it was said that they had not been able to attend to the question. Sir Francis Sandford by substituting exact for general marks had discovered the weakness of the training colleges in 1869 and 1870, but now there was a very great improvement in these establishments. Now, as to the want of scientific teaching. Their work in the elementary schools with the present children must be very much confined to elementary teaching, because they were sweeping in children from the streets who had hitherto had no education at all. They must be prepared to give as good education as the children could receive; but he must repeat that in this also they had not neglected the matter. He would now refer to the actual Motion and recommendation of the hon. Member (Mr. B. Samuelson). The hon. Member (Mr. Kay-Shuttleworth) had really stated the case very fairly in favour of the pupil-teacher system. His (Mr. W. E. Forster's) own impression was, that it was in itself a good system; that it was a way by which they got hold of young men and women who had had a good preparatory training before they actually went into the training schools. He thought that there was something in an apprenticeship in teaching which was superior to the mere art of teaching how to do a thing. He had greater confidence in a person who had been a pupil teacher for four or five years than he had in a young person who had simply attended lectures for that period; but however that might be, they must take things as they found them. They were in a difficulty. They had to see how they could suddenly do their duty in education, and a part of that duty consisted in their being able at once to furnish a very great number of fresh masters and mistresses. What would be the result of their proceeding upon the plan that the pupil teachers after having served three years should go into the training colleges? The immediate result would be a dead-lock; for how could they get the schools taught in which there were at present pupil teachers? The same thing would apply to their remaining for three years in the training colleges. They could not do that at present, because they wanted teachers. He did not undertake that there should at once be the best possible training for our teachers, but he wished to remind the House of the present difficulties, and that they had to meet a great and sudden demand. They required a number of fresh masters and mistresses, and must take the best they could get. They could at present only look upon the training colleges as giving a high tone to education; but they could not as yet rely upon them altogether for supplying teachers. The hon. Member for Birmingham seemed to think that they might have too many pupil teachers. [Mr. DIXON: As regarded the future.] In that case the hon. Member seemed to be looking forward to a blessed Millennium, when they would all have done their work and got the country covered with schools. What they had now to deal with, however, was the difficulties that arose before they got to that point, and he must say that he rejoiced that the number of pupil teachers was very largely increased. He rejoiced that whilst in 1866 the number of pupil teachers had fallen from 16,000 to 11,000, it was now raised to 22,000. That would enable them to secure to the training colleges and to those who entered them, a better future. They must most carefully consider whether they could secure better teaching to pupil teachers by masters and mistresses in the schools; but they must also bear in mind that with their present dearth of teaching power they could not afford to give time to the masters and mistresses to teach them, or to the pupil teachers to learn. He was only showing their difficulty, and was by no means saying what they would like to do. One thing they had done—they said that these youths must be taught separately by themselves; and that he believed was a matter of considerable importance. As to undenominational schools, he must say that the hon. Members (Mr. B. Samuelson and Mr. Dixon) showed very great fairness in the way in which they alluded to the question; but there was one mistake that they had fallen into—they supposed that the cost of the present schools was borne by the State in a larger proportion than was the fact. The figures on page 137 of the Report showed that last year of the cost of the training schools not three-fourths, but only two-thirds, was granted by the State. The amount granted was £81,000, and there was derived from other sources £40,000. It must not be overlooked also that of the original cost of the schools, £446,000, there was granted by the State only £138,000, whilst there was furnished by subscriptions, &c., £308,000. At the same time, he had great pleasure in observing, that though building grants had been discontinued, the past year had seen two British and one Wesleyan college started. Of course, more training colleges were wanted; but if the State entered into the business it would, probably, drive voluntary effort out, and would lead to considerable cost. With respect to giving any encouragement to the establishment of undenominational or secular training schools, the State ought to consider the matter very carefully before it reversed the policy adopted in the stopping of building grants. If it did so, however, and if the advocates of secular education started a training college, and endeavoured to obtain a grant, the Department would, no doubt, consider any application made on its behalf. He must remind the House that in consequence of the passing of the Education Act, the State no longer interfered with religious education in denominational schools, and he rejoiced to say that those who started training colleges, whatever their religious views might be, felt how absolutely necessary it was, unless more harm was to be done than good, that the master and mistress to whom they entrusted young children should be able to give them a moral training. He did not know what the precise conditions of State aid in Germany or elsewhere might be, and it was impossible to make a just comparison with those countries, unless they knew the precise conditions both of the children and the teachers; but the Scotch schools had been alluded to, and it was true that they were not boarding schools, but care was taken that the young persons who attended those schools should be well looked after, and in the case of the young women it was found better to have boarding colleges. Moreover, it must not be forgotten in dealing with England that there were special moral duties for the teachers to perform, and special moral temptations to which they were subject. That being the case, he thought that they might challenge comparison with most parts of the world for the good conduct of the teachers in the Government schools. He was, nevertheless, prepared to acknowledge that strong arguments had been adduced in favour of day training schools, if conducted with due care for the good discipline and management of the teachers. That was one of the questions which must be borne in mind, and which the Government would bear in mind with the most careful attention. Several persons of strong religious character, and anxious for religious training, had told him that this matter was under their consideration, and he should himself earnestly desire to consider any plan on this subject which might be brought before him, or to devise how we could supplement the present system. His hon. Friend would not, however, expect him to state any crude views before he had come to a proper conclusion in the matter. He was sorry to check the present useful and practical discussion, but he would appeal to the hon. Member not to press his Amendment to a division.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

£1,146,560, to complete the sum for Public Education in Great Britain.

MR. W. E. FORSTER, in rising to move the Vote for Public Education, said, he had to trouble the Committee with some dull and dry figures, which, however, as had been before observed, made up a very large bill. The Elementary Education bill this year was more than £1,500,000 sterling, the net increase over the Vote of last year being £93,158. This increase was made up of an increase in salaries to the amount of £354, of an increased expenditure of £2,000 for extra copying in working the Act, and of £1,413 for Inspectors' salaries. This last increase was not owing to an increase in the number for the inspection of day schools, but it was found desirable to have the examination of night schools by unauthorized Inspectors replaced by authorized Inspectors. Then there was an increase for Scotland in the salaries of teachers of £8,520. That arose from there being more schools, necessitating the employment of 99 additional certificated teachers and 376 additional pupil teachers. There was also an increase of £30,956 in the annual grants to day schools, and of £5,192 to night schools, making for those two items an increase of £36,148. In building grants there was an increase of £80,000. This year £160,000 were asked for, and last year the sum asked was £80,000, but the actual payments were only £45,607. He had only to say with respect to the building grants, that that was no real saving, and that there was no reason to alter the estimate of February 15, of about £400,000 for 2,400 schools, providing for 400,000 children. Out of 3,330 applications 2,281 had been approved on fulfilment of the conditions, 293 had been refused, 223 had been withdrawn, and 533 were undecided upon, and, he believed, in most cases given up without the Education Department being informed of the fact. The grants, however, actually paid were 365, and in the case of 1,123 an actual promise had been given. The items of increase in the Vote made up a total of £128,000. There was a decrease of £2,272 upon travelling allowances to Inspectors, owing to the abolition of denominational inspection, and there was a decrease of £3,000 in training schools, though the number of students had very much increased. At Christmas, 1863, there were 3,107 students in the training colleges, in 1867 the number fell to 1,922; but it was now increased to 3,347, the largest figure at which it had ever stood. The female schools were quite full, and the male schools very nearly full. The reason of the decrease in the Estimate was that the cost of the scholars had not risen to the amount that was anticipated. Then there was a decrease in the cost of the working of the Act. Last year that item was put down at £70,000, and the actual expenditure was £29,809. The Estimate for this year was £49,000. The items of decrease showed a total of £35,000, making the net increase in the Vote £93,158. The annual grants to English and Welsh schools were for close upon 1,600,000 children in day schools at an average cost of 12*s.* 2*d.* a-child, and about 83,500 children in night schools at an average cost of 9*s.* a-child. The actual grant last year was, in day schools, upon an average of 10*s.* 4¾*d.* a-child, and night schools 6*s.* 7¾*d.*; but the night schools were upon the Old Code, whereas the present at 9*s.* were upon the New; and the day schools were 8 months upon the Revised Code and 4 months upon the New Code. The change which had been made in the Code prevented his entering with any advantage into any comparison between the number of children presented and the number who passed, because the conditions of presentation and passing were both different to what they were under the old system. For a child to be brought up for examination 250 attendances were now required instead of 200, and the test of examination had been also somewhat raised. The old 1st standard had been got rid of, the standards had been rather strung up throughout, and a considerable change had been made in putting the infant age up to seven instead of six. The first effect of these changes had been to some slight extent an apparent hardship to the schools; but, notwithstanding, they had earned considerably more than they did under the Old Code. Compelling a larger number of attendances had resulted in a more constant attendance, and the Government had done no more than their duty—if they had done their duty—in the stringing up of the Code. In spite of the difficulty in making comparisons to which he had alluded, it was in his power to give the Committee a comparison of the actual number of children whose education they had aided. In the year ending 31st August, 1871, there were present on the day of examination 1,509,000 children in day schools as against 1,434,000 the year before, being an increase of 75,000, and in night schools 86,000 were present as against 78,000, making an increase of 8,000. The average attendance in day schools was 1,231,000, as against 1,152,000, being an increase of 79,000. As regarded the future, he must prepare the House for a very considerable increase in the bill, and he believed that in a year or two it would quickly increase. The amount of the grant depended upon two conditions—the number of the children who attended, and the number of children who passed. And with reference to the latter he must here repeat the warning, which he had already given to managers and teachers—that there was not the least intention to make the examination less perfect. In fact, they must be prepared for a greater stringing up of the examinations, for it would be the duty of the Education Department to make them more and more difficult as soon as the children could bear it. They must insist upon the children being taught all they were able to learn; and the teacher, therefore, was in the unfortunate position that the more he did the more he would have to do. The difficulty of the larger attendance would, he believed, be comparatively little felt next year, and more children would be found attending 250 times than attended 200 times under the old system. There was one difficulty in which they must sympathize with both managers and teachers, and that was in the bringing into the schools by the by-laws and by the attention given to education, children who had been utterly neglected till now; and, undoubtedly, it was a hard task to teach them. The Marquess of Ripon and himself, therefore, had agreed to postpone the time at which it should be compulsory for children to be examined at a certain age. They had not, however, given up the principle. It was important that teachers should not be tempted to keep children to a lower standard, and it had been determined to lengthen the time by about a year and three-quarters, in order to give the country time to solve the problem of compulsory education. He fully believed that under that system more children would be found to attend the schools; partly because parents were getting more alive to the importance of education, and partly from the success which had already attended the compulsory system. A large part of the country was under compulsory by-laws, and generally speaking they were working better than he had anticipated. The hon. Member for Westminster (Mr. W. H. Smith) and his colleagues were engaged in almost the most difficult task that anyone could undertake in relation to this subject—namely, in applying the principle of compulsion to the metropolis. He did not in the least degree find fault with them, because they had not yet been able to carry out their theory, as the danger of making a false step was great; and he thanked them with all his heart for having laid down the principle that compulsion should be applied throughout London. They might take comfort from what was being done in other large towns. In Liverpool, as he was informed by the chairman of the school board, they had increased the attendance at the schools by 10,000, and they had done so at a considerable diminution in the payment of fees from poor children, while a great number of those formerly assisted by the Education Aid Society were now able and willing to pay for their own teaching. In fact, they had laid down the principle of only helping those who were in absolute destitution. They had not brought the Act into operation throughout the whole country for two reasons—first, he did not believe it was possible for them to do more than they had done; and, secondly, what they had not done other people had done. They had gained by leaving the country to work voluntarily. He, indeed, believed they would have hindered the work if they had interfered more quickly. Of course, this work must depend on the permanent officials, and no one could have been more devotedly assisted than he had been by the permanent officials of the Department, from the Secretary downwards. He might illustrate the difficulties they had to encounter by referring to a Bill which had occupied much of their attention this Session—the Scotch Education Bill. The Committee might take this rule-of-three calculation. He had been asked the question — if a body of Commissioners having nothing else to do would take from three to five years to bring the Scotch Education Act into operation in 500 parishes, there being already some sort of school board in the remaining parishes, how long would it take the Education Department, with a great deal else to do, to introduce school boards into 15,000 parishes? His answer was, that he believed it would be brought into operation in five years, if not in less. He would now say a few words as to the position in which we were as regards the working of the Act. The Census of 1871 gave the English and Welsh population at 22,704,108, of which the metropolitan district was 3,265,005; the 224 municipal boroughs 6,524,899; 15,119 civil parishes, 13,000,000. The London School Board was prescribed by the Act, and in the same position as Scotland; they had to rely very much on its members, merely seeing that they did their duty, and giving them any assistance in their power. In the 224 municipal boroughs, 100 had anticipated the Act establishing school boards, with a population of 5,212,093. In the 15,119 civil parishes, 279 had done the same, and though that was but a small portion of the whole, reckoning them by their size they were not unimportant, containing as they did a population of 1,234,000. So that rather more than 43 per cent., or 9,711,667 of the population, were under school boards; leaving, without school boards in boroughs and parishes, a population of 13,000,000. But were they in that large population which was without school boards doing nothing for education? He ventured to say there was hardly a village in the country in which attention had not been called to the subject, and in which they were not endeavouring as best they could to fulfil their duty. But the time had come when they should put the provisions of the Act into operation, and he would give some statistics collected chiefly from the counties of Dorset, Northumberland, and Sussex. Their first notices were sent out on May 16, 1872, and by the 22nd of last month they had dealt with 1,412 parishes, and the Committee would be glad to learn the result of their inquiries as to those parishes. In 637 parishes they found sufficient education, but a deficiency, which he hoped might be supplied, in 775 parishes. In 381 of these they had given notices for union with other parishes. He would only further give one or two figures in relation to statistics. They had got experimental school boards beginning to build to a large extent. Applications for grants by the Loan Commissioners, which had been approved, had been made by 36 boards, amounting to £353,726. Undoubtedly, that sum would be very largely increased. Then, with regard to the extent to which compulsion had been enforced. On the 1st of May, 1872, there were actually sanctioned by-laws not only in the metropolis, with a population of 3,265,005, but in 65 boroughs, with a population of 4,267,642, and 41 parishes, with a population of 608,010, representing in the whole 8,140,657, or 35 per cent of the whole population, and more than 65 per cent of the borough population, The work was done better in the manufacturing and mining districts, where the schools were in existence before the passing of the Act; but they must look for improvement most in the agricultural districts. Although much had been done and much more was being done, he was aware as much as his hon. Friend that there still remained a great deal more to do. He had given all his abilities, any experience he possessed, and almost his undivided attention to this work for some months past, and he should be at all times happy to give assistance with the experience he had gained on the subject under discussion. There were some very difficult problems to solve—how to meet the large demand for teachers, how to keep up the standard, and even to raise the standard of teachers; the great problem, however, was how to raise the standard of education in schools themselves—giving more knowledge on advanced subjects, without diminishing the amount of elementary teaching. These might be easy problems on paper, but they were most difficult in practice. There was also another most difficult problem which presented the apparent key of the whole question—how to solve the attendance difficulty, and apply the stimulus of compulsion throughout the kingdom. He could only repeat he never was more conscious of the difficulty of solving these problems; but he thought the general conviction throughout the country that that was the case was the most favourable feature of the present position of the question. He had now to move that a sum to complete the Vote of £1,551,560 for Education in Great Britain be granted to Her Majesty.

MR. STEVENSON called attention to the provisions in the New Code requiring children to be taught the advantages of the metric system of weights and measures, and to the instructions to Inspectors on the same subject. He maintained that a great constitutional principle was involved in this matter, Parliament never having sanctioned the abolition of our present units of weights and measures. It was very questionable, indeed, for the Department to require elementary schools to take one side of a question so complex in its nature, on which men of the highest scientific authority were divided. Against the metric system he might quote the Astronomer Royal and also a gentleman who was at the head of one of our training colleges, and who complained that managers were called upon to run the risk of sacrificing a portion of the Government grants if they did not give attention to this useless subject. The metric charts which managers were recommended to hang up in their schools also illustrated decimal coinage, and explained the relative value of imaginary coins, such as cents and mils, which were utterly unknown to the law and practice of this country. If any chart were to be hung up in schools, surely it ought to be one illustrative of our own standard weights and measures, respecting which much useful and interesting information might be given, such as that a half-penny of our new bronze coinage was just an inch in diameter; that an English cubic foot was practically the measure of 1000 ounces of water; that a pint was the measure of 20 ounces of water, and so on. What was the use of teaching children facts respecting the French system, and omitting to teach them corresponding facts connected with our own system? It was a serious matter that enthusiastic *doctrinaires* should have the opportunity of putting forward their doctrines through the powerful medium of the Education Department. In the inaugural address given by the President of the Society of Civil Engineers, Mr. Hawksley insisted that the English system was as capable of being referred to natural standards as the French system, and, naming the nations which used the English system, deduced the important fact that four-fifths of the commercial business of the world was carried on in them. It was no part of his case to prove that decimal subdivisions were practically worse than binary and duodecimal, though he thought he could do so; and he quite approved of children being taught to manipulate our units decimally. It was quite enough for him to show that the Education Department was requiring children to be taught systems which were not legally established in this country; and in doing that he thought the Department had very much exceeded its duty.

MR. W. H. SMITH said, that in reviewing the practical operation of the Education Act the increase, however satisfactory, had not been so large year by year as it had been in former years, but it went to show the work and labour which fell on school boards, the magnitude of which could scarcely be comprehended. The voluntary efforts of the country had been great and earnest; and before the passing of the Education Act the zealous friends of education used every exertion to induce parents to send their children to the schools they had provided for their training. In London the School Board had to deal with a careless, dissolute, and almost criminal class, and great difficulties existed in inducing them to send their children to school. It should be recollected that the metropolitan district extended over an area of 35 or 40 miles; that its population exceeded that of the whole of Scotland; and dealt with difficulties greater than those presented by that country. The parents of the children were not amenable to that discipline which the Scotch people exercised over each other; and they disappeared when called on by persons who presumed to exercise a little authority over them. The School Board of London had, therefore, owing to the great difficulties they had to contend with, to ask for the forbearance of the public in the discharge of its duties. They had to establish schools and enforce compulsory by-laws, besides having to contend against a multitude of details almost overwhelming. The difficulty of erecting schools was greater in London than in the provinces, owing to the value of land, and then when they were established a complaint was made that they interfered with voluntary schools, and that by so doing the School Board was damaging the cause of education. All the London School Board asked for, was time in order that they might show that they were only doing a necessary work, and that the evils complained of would adjust themselves. The Report that had just been issued stated that the average attendances were less than 70 per cent, and it was the irregularity of attendances which interfered with the training of the children in the elementary schools. It behoved all to endeavour to persuade parents to send their children constantly to school, and it would require but little to show them that it was to their pecuniary advantage, that they should let their children regularly attend school. The right hon. Gentleman had referred to the great demands that would have in a few years to be made on the public income in order to carry out and sustain the operation of the Act. He (Mr. W. H. Smith) trusted that the demands on the public purse for education would continue to be large, for such expenditure should contribute only to the security, prosperity, and wealth of the country; and he was certain they would be most readily met by both that House and the country. The Department had, from year to year, consistently, though sometimes rather hardly from the managers' point of view, raised the standards and requirements; but in everything it had aimed at efficiency, which could be attained only step by step; and from that point of view, he believed the Department had exercised a wise discretion in postponing the application of the Act of last year, so far as the examination of children in the 2nd standard was concerned, for another year. The difficulties which would have to be encountered in board schools in dealing with destitute children would be enough to appall any schoolmaster. On that account, and for that reason only, and not because he desired to see a low standard of examination, he thought the right hon. Gentleman had exercised a very wise discretion in postponing the application of the change until the result of compulsion had been to some extent ascertained, and until these poor children had been subjected to some amount of training and discipline. In conclusion, he thanked the right hon. Gentleman for the statement he had presented to them.

Mr. W. E. FORSTER said, it was quite true that the number of attendances did at the first sight appear to be smaller than was expected, but the statistics only extended to the 31st of August, 1871, at which period the school boards had not got to work. He believed the number would be much larger in proportion next year. With regard to the metric system, he might remark that a Committee of the House of Commons in 1862 unanimously recommended it to be taught by means of tables and diagrams in all schools receiving grants from the public funds. In 1864 both Houses of Parliament passed by large majorities a permissive Bill on the subject, and in 1868 the second reading of a Bill for the compulsory use of the system was carried in that House by 217 votes against 65. Still more recently, in 1869, the Standards Commission expressed approval of the system. Now, the metric system was a decimal system, and the best way to teach it to the children was by grounding them thoroughly in decimals. The charts complained of by the hon. Gentleman were simply object lessons for the decimal system, and were found very useful to the children, though they had French names.

MR. BERESFORD HOPE, supplementing and correcting the history given by his right hon. Friend of the metric war, reminded the Committee that last year the House, which was then for the first time brought face to face with the question, rejected the Metric Bill on its second reading. In 1868 he, as the principal opponent to the measure, went to a division under many disadvantages. The metric system was not only decimal, but every dimension, weight, and area in it differed from the old English system. Indeed, the only good that could result from teaching the metric system to children was that for the rest of their lives they would be thoroughly disgusted with its semi-scientific gibberish. He pitied the poor little children puzzled to death with terms half Greek and half French, and believed the result would be that they would be more than ever in love with the old-fashioned weights and measures of this country.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £176,312, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the Department of Science and Art, and of the Establishments connected therewith."

MR. RYLANDS asked the Government to postpone it, as it could not be properly discussed at that hour—6.40 P.M.

MR. W. E. FORSTER, on behalf of the Government, said, he would accede to the request.

Motion, by leave, *withdrawn.*

Motion made, and Question proposed,

"That a sum, not exceeding £73,601, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Salaries and Expenses of the British Museum, including the amount required for Furniture, Fittings, &c."

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Sclater-Booth.*)

Motion, by leave, *withdrawn.*

Original Motion, by leave, *withdrawn.*

House *resumed.*

Resolution to be reported upon *Monday* next;

Committee to sit again *this day.*

And it being now five minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ELEMENTARY EDUCATION—REVISED NEW CODE (1871).—RESOLUTION.

SIR JOHN LUBBOCK: Sir, I rise to move—

"That, in the opinion of this House, it is desirable to modify the new code of regulations issued by the Committee of the Privy Council, in such a manner as to give more encouragement to the teaching of history, geography, elementary social economy, and the other so-called extra subjects, in the Elementary Schools of the Country."

In the first place I shall endeavour to show that the grants nominally offered in the New Code for the encouragement of extra subjects are to a great extent illusory; and secondly, that the educational system of the country has suffered, and is suffering, from the course at present pursued. In doing so I need not rest my case on any arguments or opinions of my own, but I trust I shall be able to satisfy the House that the Resolution which I have the honour to propose expresses the conclusion arrived at, almost unanimously, by those specially qualified to judge upon such points. In the first place, the effect of the present system has been carefully examined into by the Royal Commission recently appointed by Her Majesty to inquire into Scientific Instruction and the Advancement of Science. This Commission, presided over by his Grace the Duke of Devonshire, has recently reported that although grants are nominally offered for extra subjects, still in their opinion from the manner in which the payments are arranged, they will be under the new system as under the old—

"Almost wholly given for reading, writing, and arithmetic; and that little encouragement will be afforded to the study of other subjects, even of history and geography."

It is true that grants of 3*s.* each are offered for proficiency in any two extra subjects, under which term the Committee of the Privy Council on Education include everything except reading, writing, and arithmetic; but, continue the Commissioners—

> "It appears to us that the encouragement thus apparently held out is rendered to a great extent illusory by the other conditions of the Code. To make this clear, it is necessary to state the manner in which, under the Code, grants are earned. The sum of 6 shillings is granted for each scholar on account of attendance, and 4 shillings each for the three subjects, making 12 shillings for reading, writing, and arithmetic. Thus each scholar can earn 18 shillings apart from extra subjects, and as 14 shillings a-head (or 15 shillings where music is taught) is the maximum payable, it is evident that schools can earn the whole amount without teaching any of the so-called extra subjects. Indeed, it is obvious that if 75 per cent of the children pass in reading, writing, and arithmetic, the school will earn the maximum grant; and, in fairly good schools, this amount of success has been, and we doubt not will be, attained without difficulty."

Having thus shown that the effect of the present system is to discourage everything except reading, writing, and arithmetic, I now come to consider whether it would not be desirable to offer inducements to instruction in other subjects. Here, again, I will rely first on the opinion expressed by the Royal Commission already referred to. After carefully discussing the whole question, they conclude with two recommendations; firstly, as regards the elder children in elementary schools—that instruction in the rudiments of physical science should receive more substantial encouragement than is given in the Regulations of the New Code; and, secondly, as regards the younger children—

> That Her Majesty's Inspectors should be directed to satisfy themselves that such elementary lessons are given as would prepare these children for the more advanced instruction which will follow."

Again, the Committee appointed by this House in 1868, on the Motion of my hon. Friend the Member for Banbury (Mr. B. Samuelson), after a very careful inquiry, reported that—

> "Nearly every witness speaks of the extraordinary rapid progress of Continental nations in manufactures, and attributes that rapidity besides other causes . . . . to the elementary instruction which is universal among the working population of Germany and Switzerland. All the witnesses concur in desiring similar advantages of education for this country, and are satisfied that nothing more is required, and that nothing less will suffice in order that we may retain the position which we now hold in the van of all industrial nations."

And they consequently recommended—

> "That elementary instruction in drawing, in physical geography, and in the phenomena of nature, should be given in elementary schools."

That these views are very generally entertained throughout the country is shewn by the fact that, in spite of Government discouragement, the principal school boards in the country—for instance, those of London and Liverpool —have determined that history, geography, elementary social economy, and systematized object lessons, shall be taught in all the schools under their control. Nor is it only in its direct action on elementary schools that the present system is working so badly. The effect on the training colleges and consequently on the schoolmasters is also very unfortunate. Much evidence on this point has been given by the principals of training colleges. Thus, Canon Cromwell stated before the Science Commission that in consequence of the system introduced by the Revised Code, the amount of instruction encouraged and paid for in the training colleges has been very much diminished. The special subjects were all struck out in 1862, and the syllabus reduced almost to what a clever boy in the first class of a national school might have known. The amount of instruction given to pupil teachers all over the country was diminished, and he concludes—

> "We tried to retain the higher standard as long as it was possible with the students; we taught more things in the colleges than the Government required; but year by year we found that the pupils who came in were worse and worse prepared, so that, at last, it was almost impossible to give anything more than the Government syllabus required."

Much misapprehension has no doubt arisen from the use of the term—"extra subjects." Anyone would suppose that extra subjects meant mathematics, or perhaps French or German; no one would *à priori* imagine that Her Majesty's Government include under this term the history of England, elementary geography, and, in fact, everything except reading, writing, and arithmetic. No doubt, reading, writing, and arithmetic are very important, and form, indeed, the basis of instruction, but they do not in themselves constitute an education, however humble, any more than a knife and fork make a dinner. What should be the objects of an education? The late Prince Consort, in one of his admirable addresses, said that in education our aim should be to teach—1. The physical laws on which health depends; 2. The moral laws on which happiness depends; 3. The intellectual laws on which knowledge depends; 4. The social and political laws on which national prosperity depends; 5. The economic laws on which wealth depends. Which of these objects is, I will not say attained, but even aimed at, by our present system? We seem to be entering on a phase of history in which it will be of vital importance to us that our people should possess some knowledge of political economy. I will not, however, occupy the House by repeating on this point the arguments and quotations which I brought forward last year; I will only quote one sentence from the committee appointed in 1870 by the Social Science Association to report on the relations between science and labour. That committee presented to the right hon. Gentleman the Vice President of the Committee of Council on Education a report, in which they stated their—

> "Strong conviction that the hostility between labour and capital, arising from an erroneous belief that the interests of work-people and their employers, and of tenants and landlords, are opposed to each other—a belief leading, in manufactures, to attempts to impose harrassing restrictions regarding rates of wages, hours of labour, piece-work, number of apprentices, and the use of machinery; and, in agriculture, to attempts to dictate the amount of rent to be exacted and the selection of tenants, and leading, in its further stages, to strikes, lock-outs, rattenings, and threats of personal violence and ultimately, in many cases, to murder itself—might have been mitigated, and in great measure prevented, had the people of this country in their youth and before the mind could be warped, been instructed in the elements of economic science. And on this and on other grounds they respectfully urge that no more time be lost in taking measures for gradually introducing this knowledge as a regular branch of education into all schools to which the State gives pecuniary aid. That the practicability of communicating such knowledge to the minds of even very young persons, and of making it both interesting and attractive, has been demonstrated on such a scale as to place the matter beyond doubt."

For my own part I deeply regret that the differences which exist between us with reference to the metaphysical speculations of rival theological schools should endanger the teaching of religion in its moral and practical aspects. The secretary of the Birmingham League has indeed said in a recent report—

> "Let the State keep to its proper work, and fit its children to take their places as citizens of a great Empire, and let it leave their religious training and all that concerns their education for the kingdom which is not of this world to the care of the Churches and the responsibility of parents."

Practically, this may be necessary; but it is not the less to be regretted; partly, because the result must be to give undue prominence to those questions by which sects are divided, instead of to those more important moral lessons on which most men are agreed; partly because it seems to me that a system of education which has no tendency to fit persons for the kingdom which is not of this world, can be but ill suited to render them good citizens in this life. If, however, moral and religious culture is thus in danger of exclusion from our schools, it seems all the more necessary that some subjects should be introduced which have a tendency to educate, and are not mere matters of instruction. For such a purpose some branches of science are well adapted. I know there are many —some even in this House—who would take a different view, and who consider that science is hostile to religion. Hostile to all false religions, undoubtedly it is. Scientific men will not, and could not if they would, sacrifice truth to the supposed exigencies of temporary expediency. Science will, perhaps, continue in the future, as it has in the past, to modify profoundly our religious conceptions; it will root out even our dearest errors, and consistently oppose all but the highest possible conceptions of the Divine Nature. That there is great room for such action can hardly be denied. Without entering on the debateable grounds of the theological differences existing amongst educated men, it must be admitted that in spite of all our churches and sects, witchcraft is still rife amongst us. But whatever may be the case as regards the higher and more abstruse parts of science, the question certainly cannot arise with reference to such elementary science as might be taught in national schools. Moreover, though I admit that reading, writing, and arithmetic, are the very foundation of education, and I would not therefore say anything against them in themselves, still by themselves they can by no means be considered as forming even the rudiments of an education. Reading and writing are mechanical exercises; arithmetic is a matter of definition. Sir W. Hamilton filled a lengthy essay, with quotations from great authorities, condemning the exclusive use of mathematics as a training for the mind. A great living writer has pointed out that it is a subject which "knows nothing of observation, nothing of induction, nothing of experiment, nothing of causation." We need, therefore, some fourth subject which should train the powers of observation—some study which would give a knowledge of things, not merely of names of things. In reading, writing, and arithmetic you arrive, by one process or another, at a certain conclusion; but in life it is not so. Success or failure, happiness or misery, prosperity or misfortune, depend with most of us on our powers of observation and of balancing probabilities.

Now, the State is assuming a great responsibility. We are taking on ourselves the education of all children. It is our manifest interest, our plain duty, to consider most anxiously and carefully of what that education is to consist. At present, so far as the State can do so, it limits the education given in national schools to reading, writing, and arithmetic. Surely such a system is eminently incomplete and unsatisfactory. The right hon. Gentleman the Chancellor of the Exchequer told us once that under the present extended franchise, it was necessary that we should educate our masters. Does he, the Representative of a great University, call this education? In an address delivered before the South London Working Men's College, Professor Huxley has forcibly asked whether, if our prospects in life depended on our knowledge of chess, we should allow our children to grow up in ignorance of that game?—

> "Yet," he continues, "it is a very plain and elementary truth, that the life, the fortune, and the happiness of everyone of us, and, more or less, of those who are connected with us, do depend upon our knowing something of the rules of a game infinitely more difficult and complicated than chess. It is a game which has been played for untold ages, every man and woman of us being one of the two players in a game of his own. The chessboard is the world, the pieces are the phenomena of the Universe, the rules of the game are what we call the laws of nature. The player on the other side is hidden from us. We know that his play is always fair, just, and patient. But also we know, to our cost, that he never overlooks a mistake, or makes the smallest allowance for ignorance. To the man who plays well the highest stakes are paid with that sort of overflowing generosity with which the strong shows delight in strength. And one who plays ill is checkmated, without haste, but without remorse."—[*Huxley's Lay Sermons*, p. 36.]

It must be remembered that our Motion is especially directed to children of 11 and upwards. I should like to ask any hon. Member of this House, whether he would be satisfied that a child of his at that age should be entirely ignorant of history and geography? But, for so long as they are at school, I see no reason why children in national schools should learn less than those privately educated. I hope the House will not suppose that we are asking for any addition to the grant. That is not our object, but what we wish is that it should not be so exclusively devoted to reading, writing, and arithmetic. But the right hon. Gentleman argued last year that we "ought not to have a modification of the New Code before we had time to try it." But why should we try it? As 3 times 4 are 12, and 6 more make 18, we can tell how the system will work. Indeed, the right hon. Gentleman told us this afternoon, if I rightly understood him, that the children have earned an average of 12*s.* 2*d.* a-head. If this be the average, it is obvious that good schools must have earned the full grant of 15*s.* It is self-evident that any school in which three quarters of the children pass the examination in reading, writing, and arithmetic will earn the whole possible grant, and can get nothing for extra subjects. Of course, the Inspectors may pass fewer children, and then the schools may fall back upon the extra subjects. I do not know if this is what the right hon. Gentleman contemplates; but, if so, I must say that it would alter, but, far from removing, would increase my objection to the present system of grants. Anxious as I am that history and the rudiments of science should be taught in all our schools, I should shrink from introducing them by such means. Pass examinations in village schools ought not to be pitched so high that a good schoolmaster could not pass three quarters of his children; recollect that such a failure is a great disappointment to the master, and a discouragement to the children. Nor ought extra subjects to be used as a means of compensating for failure elsewhere; I should deeply regret any action which tended to discourage either masters or children. The Science Commission has specially called attention to this danger. They say—

> "We do not think it would be desirable that the standards should be raised in such a manner as to reduce the passes below this proportion; such a course would, we think, tend to discourage both the masters and pupils."

But, although the right hon. Gentleman opposed our Motion last year, he did, in fact, admit the principle for which we contend. He said that—

> "The Motion of the hon. Member was, on the whole, in accordance with the principle of action adopted by the Government; but it would not be wise to adopt it at that point, considering how recently the Elementary Education Act had come into force. . . . He believed the right course had been adopted in discarding the idea that all they had to do was to teach reading, writing, and arithmetic."—[3 *Hansard*, ccviii. 122.]

Well, then, we ask the Government to act in accordance with their principles. What is the use of a principle if you act in direct opposition to it? What is the use of "discarding the idea that all you have to do is to teach reading, writing, and arithmetic," if you act in accordance with the ideas you discard, and in opposition to those you entertain? But the right hon. Gentleman says that the Elementary Education Act has very recently come into force. That is true; but what we complain of is not the Elementary Education Act, but the principle introduced by the Revised Code in 1861, and continued by the New Code of last year, of limiting payments to mere reading, writing, and arithmetic. This system has now been in operation for 11 years, and has been almost universally condemned by those interested in education. It is sometimes said that the function of Government is only to teach reading, writing, and arithmetic. I reply that even from this point of view the present system breaks down. Mr. Lingen, then Secretary of the Committee of Council on Education, gave evidence, in 1868, before Mr. Samuelson's Committee, that the children learnt reading, writing, and arithmetic more quickly in schools where other subjects were taught in addition. This is also the experience of Scotland, and hon. Members will remember that in the debates on the Scotch Education Bill this year, great dread was expressed by Scotch Members lest the effect should be to reduce Scotch schools to the English level. Moreover, what is the evidence as regards English schools? We sacrifice everything to reading, writing, and arithmetic, do we succeed in securing even so much? No; last year in the whole of England and Wales less than 20,000 children passed in the sixth standard—that is to say, shewed that they could read and write well, and had a fair knowledge of arithmetic. On such a result comment is unnecessary. Moreover, it must be remembered that if Government creates bad schools all over the country, it prevents the establishment of good ones. The right hon. Gentleman said last year that I am too sanguine. Sir, I only hope I am not too despondent; for, far from taking a cheerful view of things, I am firmly persuaded that under the present system we shall make no progress, and that Government grants, as at present administered, will, in the long run, impede, not aid, the cause of education. We shall have plenty of school-rooms but no real schools. As yet, indeed, our schools are, I am thankful to say, much better than the Government system, if continued, must ere long make them. I fully recognize the great ability which the right hon. Gentleman has brought to bear on education, as on every other subject which he takes up, yet so far from schools conducted in accordance with the New Code being satisfactory places of education, I maintain that they will be places where children will get not education, but a hatred of education; that their effect will be to check intellectual growth; that instead of being a blessing and an advantage to the country, they will prove a curse and a misfortune. Our great danger in education is the worship of book-learning—the confusion of instruction and education. We strain the memory, instead of cultivating the mind. Such a system makes intellectual exercise an effort and a fatigue. We should follow exactly the opposite course, and it would be a pleasure; depend upon it under a natural system of education the nourishment of the mind ought to be as pleasant as that of the body. In their food children yearn for what is sweet, and we know now that they are right. So also in education we may safely trust much to their instincts, and we should endeavour to cultivate their tastes, rather than to fill them with dry facts. The important thing is not so much that every child should be taught, as that every child should have the opportunity of teaching itself. What does it matter whether a child of 12 knows a little more or a little less? That is not the point; the question is whether we are pursuing a course which makes intellectual exercise a pleasure or the reverse. Under the present system our schools will become more and more places of mere instruction; instead of developing intellectual tastes, they will make all mental effort irksome. We have now, or soon shall have, the control of the vast majority of children up the age of 12, and we ought in that time not only to teach them to read, but to enjoy what they read. We should educate them so that every country walk may be a pleasure; that the discoveries of science may be a living interest; that our national history and poetry may be sources of legitimate pride and rational enjoyment; in short, our schools, if they are to be worthy of the name—if they are in any measure to fulfil their high function, must be something more than mere places of dry study; must train the children educated in them, so that they may be able to appreciate and enjoy those intellectual gifts which might be, and ought to be, a source of interest and of happiness alike to the high and to the low, to the rich and to the poor. The hon. Baronet concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable to modify the new code of regulations issued by the Committee of the Privy Council, in such a manner as to give more encouragement to the teaching of history, geography, elementary social economy, and the other so-called extra subjects, in the Elementary Schools of the Country,"—(*Sir John Lubbock*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. E. FORSTER said, his hon. Friend in his eloquent speech had made precisely the same Motion in exactly the same terms that he had made it last year, and he would therefore find little fault with him (Mr. W. E. Forster) if he began his reply as he began it then. He only wished that his practical experience in the matter enabled him to look at it in exactly the same light as his hon. Friend did, and to feel that he had an opportunity of carrying into practice the various and delightful expectations which his hon. Friend had so eloquently descanted on. He would be very glad, indeed, if it were possible that the schools he had to do with could make instruction as pleasant as ordinary food; but he was afraid that that would be making them much more pleasant than he himself had experience of in his youth, and if his hon. Friend had that delightful *pabulum* in his youth his experience must have been remarkably exceptional. His hon. Friend had stated that they ought not to be contented with mere book learning, and he complained against book learning of itself. He said it did not much matter whether there was more or less of it. Well, it was very much the case in the experience of life that a great deal of book learning was of very little use to a great number of men; but was that a guide with respect to children? What was book learning? Book learning was giving children merely a tool with which they could fight the battle of life, and the moral his hon. Friend drew was, that too much stress was laid upon mere reading, writing, and arithmetic. His hon. Friend, however, knew this—that a man or woman who had to fight the battle of life in England at this time and earn a livelihood without a knowledge of reading and writing was scarcely able to earn it. It was the one important thing which they must get. It was not a question of book learning against practical learning; it was absolutely necessary that they should have that key to unlock other means of instruction. If they were not taught to read and write, then the result was absolute failure. His hon. Friend said they would be better taught if other things were attended to. Now, would any hon. Member teach his child political economy before he taught him to read? Would he teach him science before he taught him to read? It was quite admitted that an intelligent teacher in teaching children to read and write would put such questions as would give them a great deal of information. So far, however, as he had seen in such schools, that was more encouraged and better done for the children of the poor than in some richer families. But the fact was, they must condescend to what they had to do, and he asked again, could they begin to teach political economy before they had taught the children to read? He thought they were doing a great deal more than his hon. Friend supposed. The experience of the last four months of which they had any account, ending 31st August, 1871, told them that under the new system 34,000 children had been presented in the three upper standards, 4, 5, 6, of whom nearly 20,000 had been presented in the extra subjects. His hon. Friend was mistaken, therefore, in supposing that the Code did not encourage teaching those subjects. How many of these 20,000 had passed? Some 3,500 had passed in two subjects, and 9,000 in one. [Sir JOHN LUBBOCK: What are those subjects?] They were geography, history, algebra; language including English grammar or literature, and the elements of Latin, French, or German, physical geography, and animal physiology. But the real difficulty of the Department was this—his hon. Friend said that 34,000 was a small number. So it was. That was where the difficulty lay, and that difficulty could not be got over by driving classes into political economy. The difficulty was, that the children of the poor were badly educated to begin with, and the Department had to educate them better. He would give some particulars of the examinations under the New Code during the same four months, the four months ending August 31, 1871. During that time 2,851 day schools, having room for 625,000 children, and an average attendance of 372,000, were examined by the Inspectors. Deducting infants and those not qualified by attendance, 227,000 children above seven years could have been presented, of whom the managers ventured to present 184,000. Of these 184,000 children, 150,000 were presented only in the three low standards 1, 2, and 3, and of those more than 70,000 in Standard 1, more than 56,000 of whom were above 10 years of age, showing how neglected they were up to that time. Well, it was not the fault of the managers, nor of the Department, nor of the House, that the children were so backward, though it might be said to be their fault so far as they did not set to work to make attendance compulsory. But they must take the fact as they found it—namely, that 70,000 children were in such a state of comparative ignorance that they had to be presented in Standard 1. His hon. Friend was right in putting pressure on the Department to give as high an education as possible; but he ought to remember that they had to deal with children in a most ignorant state, and he did not believe that it was by setting them to learn political economy, geography, and other such matters, that the children could be best taught to read. His hon. Friend said there was no encouragement for teaching the extra subjects in the way the grant was given. His (Mr. W. E. Forster's) reply was that there was encouragement, or else 20,000 out of 34,000 would not have been presented in those subjects, and teachers would not have troubled themselves to give instruction in them. Now, 15*s.* for the average attendance was the limit, but this might be increased to 18*s.* Six shillings was paid upon the average attendance; but the 12*s.* that might possibly be earned was not paid upon the same conditions as the average attendance, but only to children who had fulfilled these three conditions. In the first place, they should have attended 250 times; secondly, they should be present on the day of the examination; and thirdly, they should be offered for examination; or, in other words, they should not be absolutely ignorant, as if they had been swept off the streets. That was the explanation of the great number of children whom the teachers could not present for the average attendance. Nor would they be able to do so until the time should come when the children would be better prepared by means of infant schools, and there should be a better attendance than hitherto. Under these circumstances, he thought the House would agree with him that, in the first place, for some time to come we must make it our great point to teach reading, writing, and arithmetic; and, secondly, that our Code had not been a failure in the extra subjects, seeing that a very large proportion of those at all capable had been presented in them. At the same time, he was as anxious as his hon. Friend that the money which the country generously voted from year to year should get the best possible return in quality, as well as quantity, and he was determined, as long as he had to do with it, that the higher instruction should be given as long as it could be done without diminishing elementary education; but, of course, elementary education must be first and foremost.

Mr. RATHBONE ventured to answer the challenge of the right hon. Gentleman, and to say that reading, writing, and arithmetic could be taught better by teaching the higher branches. It was an unceasing complaint with the managers of schools that there was increasing difficulty in providing pupil teachers and masters, and he believed that was attributable to the decreased attention which was given to those higher subjects, compared with the three points of reading, writing, and arithmetic, which were the subjects that paid. He hoped the right hon. Gentleman would impress strongly on the Inspectors the importance of giving more time than at present to the examination of the schools in general intelligence and in the higher subjects.

Mr. MUNDELLA said, he believed a good deal of the higher class of teaching was already being done in the country, as was evidenced by the fact that the valuable works of Spence and Major were sold in thousands. He did not take so desponding a view of the work now going on as was taken by the hon. Baronet (Sir John Lubbock); but he was rather astonished at the small progress which had been made since the passing of the Education Act. There were 34,000 children who had been presented in the three upper standards, but we should have 500,000. [Mr. W. E. Forster: Not for four months.] No; for a year. He believed, however, that his right hon. Friend was doing all that he could to improve the present state of things, and he believed that by giving premiums, say 2*s*. or 3*s*. beyond the 15*s*. limit to the grant, for passing in extra subjects, they would get many more children to pass.

Mr. CORRY said, that when he became a Member of the Committee of Council for Education some years ago, he found that the Parliamentary Grants for the support of education were such as to give only the merest possible educational means of fighting the battle of life to the scholars in the schools receiving these grants, and with the view of improving the standard of education, he proposed a Minute for the purpose of giving a higher rate of grant for extra subjects. The Chancellor of the Exchequer opposed his Minute, and argued that it was entirely repugnant to the principles of political economy; but he (Mr. Corry) thought it entirely consistent with the principles of common sense, and he had the satisfaction of beating the Chancellor of the Exchequer by a very considerable majority on that occasion. In the first one or two years he knew that his Minute produced very satisfactory results, and he should like to know how many of the 34,000 children who had passed in the three upper standards, and of the 20,000 who had passed in extra subjects, had passed in consequence of the money allowance made under that Minute.

Mr. W. E. FORSTER said, the right hon. Gentleman was perfectly correct in stating that the Minute which he proposed had produced a most beneficial change, and the Committee of Council were endeavouring by the New Code to develop the system of the right hon. Gentleman with regard to extra subjects. It was owing to that development that the grants to the 34,000 and the 20,000 children had been made.

Mr. KAY-SHUTTLEWORTH said, that the right hon. Gentleman (Mr. Corry) deserved great credit and honour for his Minute. It was the first step taken by the Privy Council out of the "Slough of Despond" into which the Revised Code had led them. He would suggest that the Vice President of the Committee of Council, before he proposed the Code for next year, should seriously consider whether in schools where extra subjects were efficiently taught, and where a larger number of pupil or assistant teachers were employed, a limit of 17*s*. should not be substituted for the limit of 15*s*. per child in average attendance, for the purpose of encouraging schoolmasters to teach extra subjects.

Lord EDMOND FITZMAURICE said, that last year he went to Germany, and studied some of the educational establishments there. He made "surprise visits," to schools in Dresden, and was surprised to see children who had neither boots nor shoes regular in attendance at schools in which the education given was equal to the highest education given in the State-supported schools of this country. He attended a whole day in each of three schools, and he had long and intimate conversations with the masters engaged. He found that the Revised Code was in Germany universally a laughing stock, and they were astonished that a country like England could be content in teaching the mere elements of reading, writing, and arithmetic. [Mr. FORSTER said, that he was not content.] But we remained simply teaching them. German teachers were convinced that in proportion as ordinary and extra subjects were mixed together the standard of education was raised, the one class of subjects helping the other. He had also taken the opinion of English masters, and had found that they were anxious for an alteration of the Code, some of them regretting the abolition of the old system, recollecting, perhaps, only what was good in it. Under that system, however, he knew the children of agricultural labourers rise to comparatively high positions, which would be almost impossible now. [Mr. W. E. FORSTER said, it was still more likely to happen now.] He agreed with the hon. Baronet (Sir John Lubbock) that if extra subjects were encouraged a higher modicum of reading and writing would be obtained, so that the low standards might, perhaps, be abolished. In two primary schools in which he took an interest he recently offered a prize to every child who passed in an extra subject, whether above or below the fourth standard, and in one of the schools, out of 30 who thus passed, 7 were below the standard. Something more might be done in this direction, even without materially raising the present standards.

MR. BAINES said, he had witnessed last year in Switzerland what the noble Lord had seen in Germany. In the elementary schools children at a very early age were taught something of geography, history, and natural science, and he (Mr. Baines) had been very much struck with the utility of the system of object lessons, by which the children were introduced to the study of higher subjects. Moreover, 40 years ago, at New Lanark, in the first infant school established in the country, he saw young children with maps and diagrams of plants and animals, learning something of botany, natural history, astronomy, geography, and elementary science. Such instruction stimulated the faculties, and instead of mere reading and writing, which taught by themselves were dry and difficult, there should be object lessons, as in the Kindergarten system. [Mr. W. E. FORSTER said, these were given in some schools.] He was glad to hear it, but he thought extra subjects should be begun at an earlier age than 11.

MR. W. E. FORSTER explained that many children in the fourth standard were under 10, and that a child who had been well taught in an infant school, where object lessons were encouraged, might be presented at ten, nine, or eight years of age in that standard.

MR. BAINES said, he had not been aware of that. It might be inferred from the New Code that children would not reach the fourth standard till they were 11 years of age. He was anxious that the faculties of children should be developed by the early study of extra subjects. He hoped, however, the Resolution would not be pressed, feeling that the right hon. Gentleman was sensible of the value of extra subjects, and trusting that he would do all he could to promote them.

MR. B. SAMUELSON asked if the right hon. Gentleman would tell him what portion of the 20,000 children who passed in the "extra subjects" earned in consequence an increased grant from the schools; and, also, he should like to know in what manner the Revised Code, or the instructions to Inspectors, encouraged these object lessons, which were rightly considered to be of so much importance?

MR. W. E. FORSTER said, he could not answer the first question without inquiry. The New Code clearly did not discourage extra subjects, for of all the children in the three upper standards—scarcely any in the lower being capable of presentation—20 out of 35 were presented, and 12½ passed. As to the second question, lessons leading up to extra subjects were encouraged by the whole system. He scarcely ever went into a school without seeing an intelligent teaching of reading which gave more information than the mere learning to read.

MR. WHALLEY said, that under the denominational system it was clear that reading, writing, and arithmetic would be the principal objects of study, and that the extra subjects would be neglected. The truth was, that the denominational system was intended to shackle the mind and to keep it in subjection to those who superintended that system. He denied that reading, writing, and arithmetic were the first elements of education; they might rather be called the end of it, and indeed many of the most competent and practical persons were wholly ignorant of them—were wholly free from the unhappy effects of reading, writing, and arithmetic. In a colliery with which he was connected, he knew instances in which men who could not read or write were found to be more reliable than those who possessed those accomplishments. In the case of an ill-regulated mind, reading became a most unhappy faculty; and hon. Members had only to go to the back streets of London to see the kind of literary trash that was bought by those whose tastes and passions were totally undisciplined. Further, every housekeeper in London was aware that the accomplishment of reading was not always exercised by domestic servants for their own benefit. There was a time when the Principality with which he was connected was pre-eminently the seat of learning. He spoke of ancient British times—about the time of Julius Cæsar—when the Eistedfodds were annually celebrated. At that time reading and writing were absolutely prohibited, until the children or the people could show that they had such tastes and knowledge as would enable them to be relied upon to use those accomplishments to their own advantage. Believing, therefore, that it was absolutely necessary that the tastes and passions of children should be brought under control before they were taught to read and write, he heartily supported the proposal of the hon. Baronet the Member for Maidstone.

Mr. WHITWELL remarked that until we had a new class of masters we must not expect any sudden change in the tasks of the children in the elementary schools. It might be worth while to mention to the House a plan that was adopted in the town he represented, by those who interested themselves in the cause of elementary education. It was this—that prizes were offered to the children in the elementary schools—irrespective of religious denomination—for such as showed themselves most competent in geography, algebra, and similar subjects. The results had been of a most beneficial character.

Amendment, by leave, *withdrawn.*

PARLIAMENT—COUNTS OUT.

RESOLUTION.

Mr. BOWRING, after some prefatory observations upon the inconvenience that resulted from counting out, moved—"That every Member taking notice that 40 Members are not present shall do so from his place."

Mr. R. N. FOWLER seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "every Member taking notice that 40 Members are not present shall do so from his place,"—(*Mr. Bowring,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. GLADSTONE said, that no doubt the practice was formerly such as the hon. Gentleman now proposed it should be. He would, however, point out that every discussion of a needless character was really a prolongation of the Session. That subject could not be entertained with advantage under the present circumstances of pressure on their time, and the sense of exhaustion which was, he thought, creeping more or less over them all. If considered at all, it should be considered as part of that wide question—the procedure of the House. He hoped, therefore, that the hon. Gentleman would not press his Motion.

Mr. BOWRING said he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

ARMY—CONTROL DEPARTMENT.

MOTION FOR A COMMISSION.

Major ARBUTHNOT, in rising to move—

"That an humble Address be presented to Her Majesty, praying that She will be pleased to cause full inquiry by means of a Royal Commission into the working of the Control Department of the Army, and that the said Commission may be required to frame a Report embodying suggestions, if found necessary, for such alterations, both of principle and detail, as may conduce to efficiency and economy in the Civil and Administrative Departments of Her Majesty's Army."

said, at that late hour, and at the late period of the Session at which they had arrived, he would be as brief as he possibly could in calling the attention of the House to the important question of the state of the Administrative Departments of the Army. Hon. Members who had made a study of that subject would readily admit its magnitude, its intricate character, and the difficulty of dealing with it—and especially of finding fault, without wounding the susceptibilities of the members of those Departments. They would therefore, he hoped, be indulgent with him, and pardon him if—notwithstanding all his efforts to the contrary — he should be compelled to trespass longer on their time than he could wish. If any justification were necessary for the course he was pursuing, it was, he thought, to be found in our observation of, and in the experience which we had derived—or ought to have derived—from the events of the last great European War, in which the success of the victor and the defeat of the vanquished were due—not so much to bigger battalions or superior generalship, or even greater valour on the one side than on the other —as to the fact that the one nation was found, on the outbreak of hostilities, in possession of an organization which enabled it to mass its armies without delay and without confusion, and with a system of transport and supply which stood the test of gigantic operations in an enemy's country, while the other was found miserably deficient in each and all of those vital particulars. He did not for a moment advocate that we in this country should be always ready to wage an offensive war, as foreign nations had to be—or as unfortunately for themselves they often were — any more than he would urge the adoption in all its details of even the most perfect of those foreign systems which enabled its possessor to be so prepared. All that he contended was that it would be an unnecessary and wasteful expenditure to keep up a standing Army at all, unless we were always able to move and to supply such a proportion of it as might be of some use in a case of emergency. He did not ask that we should be able to accomplish great things from a warlike point of view; but he did not think it was asking too much to expect that we should be able to concentrate in any part of the country, at the shortest notice, such a force as would be sufficient to overwhelm any Army which an enemy would have had time to throw upon our shores, and at the same time to be able to embark such a contingent as might be deemed necessary for the relief of any of our colonial possessions which were threatened; or, if need be, to disembark such contingent, complete in every particular, on the shores of the country by whom our interests were threatened, so that by acting on the seaboard in conjunction with our Fleet, it might indirectly strengthen our defensive power. There were some people, perhaps, sanguine enough to believe that we could do that at present. He was not so sanguine; and, perhaps, the best thing he could do, in corroboration of his views, would be to quote what had been effected in the Autumn Manœuvres of last year, on which occasion it was whispered about that the movements of the troops had been adapted to the capabilities of the Supply and Transport Departments, instead of those Departments adapting themselves to the exigencies of the campaign. It was far from his wish to depreciate the advantages of those Manœuvres, or to detract from whatever credit might be due to those who had initiated them; but he thought that the principal advantage which we had derived from them was, that they had taught us—not what we could do, but what we could not do. They had proved that our Supply Departments, as far as they were tested—and in the matter of the supply of warlike stores it had been no test whatever—were very far from what they should be, and that our Transport Department was absolutely futile. What had we effected? We had shown that we could place some 30,000 men in the field and keep them there for a week or ten days—for he did not consider them to have taken the field until they left their standing camp at Aldershot. During that time they were most inadequately supplied. He had no wish to enter into a recital of the shortcomings of the Supply Departments during those Manœuvres. He did not suppose anyone would contend that they did more than barely keep the soldiers alive. Then, as to the mobility of the Army, what had we effected? We had moved it by brigades backwards and forwards, over a radius of something like 12 miles from its base of operations, that base being our largest military station, situated 40 miles from the metropolis, and in a country intersected by canals and railroads. And in order to effect this, we had withdrawn nearly all our standing Transport not only from England, but from Ireland; we had been compelled to have recourse to hired transport from London, which generally broke down when off the high roads; and, what was more serious, we had absolutely crippled a large portion of our field artillery. He used the word "crippled" advisedly, for not only had we broken up the depôt of field and horse artillery—the only means which we possessed of filling up casualties—using the men and horses for Transport purposes, but we had rendered many of the service batteries not employed in the Manœuvres, inefficient by calling on them to perform the normal duties of the Army Service Corps at the several stations from which detachments of that corps were removed to Aldershot. He presumed that the Surveyor General would draw a very different picture of the Manœuvres. He would probably paint everything *couleur de rose*—at least, such was the colouring or character of a circular Memorandum which he had issued to his Department shortly after the Manœuvres, in which, while admitting that time and experience were very good things in their way, he seemed to infer that, as far as the Control Department was concerned, there was very little room for improvement, and that time and experience could do very little for it—in which opinion he quite agreed, at any rate, as long as Control was based on existing principles. Another argument which might be used in defence of the present system, or at least in opposition to those who criticized it, was "the unfairness of judging of the success of a comparatively new department by its results in a campaign which was itself a novelty." He entirely dissented from that view, and he contended that however valid the argument might have been had the Department only just been formed, it lost all its force when they remembered that the Manœuvres of last year did not occur until the Department had been more than a year and a-half in full operation, and that it was now more than two and a-half years old. Believing as he did the principles upon which it was based to be false, and the manner in which those principles had been put into operation to be vicious and mischievous, and knowing also the difficulty of uprooting or even modifying any institution, whether good or evil, which had had time to take deep root, he thought that action should be taken in this matter at once, before such was the case, and before vested interests had had time to accumulate.

He would now, with the permission of the House, say a few words as to the more immediate origin of Control, and the action in the way of Committees which had conduced to the existing state of things. In July, 1866, the Secretary of State for War (General Peel), acting on the recommendation of a Committee which had sat the previous year to inquire into the best mode of supplying stores to an army in the field, appointed another Committee to report on the best system of Army Transport. Of that Committee Lord Strathnairn was Chairman, and the following names were subscribed to the Report:—Lieutenant General Sir J. Hope Grant; Major General Sir D. A. Cameron; Commissary-General Sir W. Tyrone Power; Colonel Gloucester Gambier, D.A.G., R.A.; Colonel J. Clarke Kennedy, Comm., M.T.; Colonel L. Shadwell, Military Assistant, W.O.; William Brown, Accountant General.

The intimate relation existing between Transport and Supply induced the Committee to apply for permission to go fully into both these Departments, and, acting upon the sanction accorded, they framed what he would only characterize as a comprehensive and valuable Report. Time would not allow him to go fully into the evidence, or even into the Report itself. He would therefore content himself with merely quoting a few of the leading principles laid down. These were as follows — namely: — (*a.*) That a Department should be formed to be responsible for—1st, Commissariat, including Store accountants for provisions, forage, fuel, and light; 2nd, Purveyors; 3rd, Military Stores, as regards clothing and stores generally, but not arms, ammunition, or warlike stores, being subsequently defined; 4th, Barrack, as regards fuel, light, and straw, at home as well as abroad and in camp; and also as regards cash and barrack and miscellaneous stores, now administered by barrack masters; 5th, Army Transport. (*b.*) That all munitions of war should be administered by an Ordnance Department, to be formed in the first instance from Military Store officers and Royal Artillery, but on no account to be under the Controller. (*c.*) That the Transport should be of three classes, organized as one service. (*d.*) That some means of expansion should be provided. (*e.*) That the duties at home, abroad, and in the field should be assimilated. (*f.*) Moreover, throughout the Report, stress is laid on the subordinate character of the Controller to the General commanding, whom he is intended to assist and relieve from troublesome details. Strange as it might seem, in all these and other important particulars, the recommendations of that Committee had been ignored. The Committee examined 28 witnesses, among whom—although, of course, there were certain points on which opinions differed—there was, on the whole, a remarkable unanimity in favour of the principles upon which the Committee subsequently framed its Report. Perhaps the most important and valuable evidence in that direction was that of the Surveyor General and General Balfour. The Committee reported in 1867. In 1869 another Committee was appointed charged with equal, or, indeed, far more important functions. It was entitled "a Committee to inquire into the Arrangements in force for the Conduct of Business in the Army Departments," and consisted of Lord Northbrook, Mr. Stansfeld, Sir Edward Lugard, and Mr. W. G. Anderson. To this Committee of four, one only of whom could have had any practical knowledge of the requirements of an army, was entrusted the responsible duty of reporting on and virtually remodelling the Civil and Administrative Departments of the British Army. Wide as was the scope of its inquiry, this Committee examined but 11 witnesses, and yet its recommendations, as far as Transport and Supply are concerned, were allowed to override the recommendations of the more important Committee presided over by Lord Strathnairn, which had specially devoted itself to those particular subjects. There were two facts worthy of notice in connection with this Committee. The first was, that its Report did not appear to be framed in accordance with the balance of evidence which it received; the second was, the remarkable change of opinion on the part of the Surveyor General and General Balfour, who was then his coadjutor or subordinate. He (Major Arbuthnot) had no intention whatever of imputing motives to either of those Gentlemen. Indeed, those who like himself knew the Surveyor General must be quite convinced that he was incapable of entertaining anything like an *arriere pensée* (and the same doubtless applied to General Balfour); but to those who did not know him, his complete change of opinion must, to say the least, have been open to misconstruction, considering that if the views which he entertained in 1867 had been carried into operation, the character of the Department over which he presided might have been entirely altered, and his own position would probably have been greatly reduced in importance, even if the necessity for it had not altogether ceased to exist. The right hon. Gentleman appeared to be on the horns of a dilemma. Either the very decided opinions which he expressed in 1867 must have been hasty, crude, and ill-considered; or if, on the other hand, they were the result of mature reflection and deliberation, then his total repudiation of them in 1869 was at least open to misconstruction. Altogether, the proceedings and Report of that (Lord Northbrook's) Committee did not tend to raise his (Major Arbuthnot's) opinion of Committees appointed by Government, and composed of Government officials; but confirmed him rather in the belief that they were usually appointed to carry out a foregone conclusion, and to justify preconceived determinations.

Having dwelt thus far on the proceedings of the Committees from which the present state of things had resulted, it remained for him to show what that state of things was, and what were the objections to it. Control, as the House was probably aware, consisted of the Amalgamated Civil Departments—namely, the Commissariat, the Military Store, the Barrack and Purveyors' Departments together with a Pay sub-Department and Transport of all kinds. These were all concentrated centrally under the Surveyor General assisted by the Director of Ordnance and Stores, and the Director of Transport and Supply; and locally under the Administrative officer of the Control Department, whom he should always refer to in the remarks he was about to make by the generic term of Controller, although the Administrative ranks included Controllers ranking as Major Generals, of whom there were three, Deputy Controllers, ranking as Colonels, of whom there were eight, and Assistant Controllers ranking as Lieutenant Colonels, of whom there were 14. The executive officers being Commissaries, who ranked as Majors, Deputy Commissaries ranking as Captains, and Assistant Commissaries as Lieutenants. The object of those who amalgamated all these scattered units was to produce efficiency and economy, to reduce the amount of correspondence, and to limit the channels of responsibility. Without instituting any comparison between the existing system and that which it superseded, it would be his object to show that these desirable ends had not been effected.

Putting the economy question on one side for the moment, he would deal only with that of efficiency; and in order to prove his case, he would have to state some few of the numerous objections which might be urged. Everyone would admit that the efficiency of an Army or department of an Army depended materially on the ability of its head to perform the duties devolving on him. From that point of view, he might comment on the anomalous position of the central head (the Surveyor General), who, in addition to his Parliamentary duties, had to discharge most onerous administrative and executive duties. He preferred, however, to rest his case upon the false position of the local administrative officers; and, as regarded these, although he would admit, for the sake of argument—though he denied it in point of fact—that they were equal to the duties which devolved on them in peace time, he contended that in time of war no man could be found, either mentally or physically, equal to the various and opposite duties which would devolve on them. Putting aside such matters as the Control of Transport and Finance, they would find it almost sufficient strain on their energies to complete and to maintain their depôts and reserves, of food and forage, without troubling themselves with the all important branch of warlike stores, even supposing them to possess the technical knowledge necessary for the latter. But perhaps he should be told that they were not expected to do this—that they were merely to act as channels of communication between the general officers and their own subordinates who would superintend the sub-departments. He denied that that could be so, because the subordinate officer would decline to issue anything, unless it was sanctioned by the signature of the senior officer of the Department, and therefore the senior officer, according to the usage of the English Army, would be responsible; but even if it were the case, what did it amount to except to this—that the senior officer was to be a mere dummy and an extra link in the chain of responsibility. A combatant Staff officer would perform the duty far better, inasmuch as he would not be shackled by the feeling of responsibility, while from his military education he would more readily apprehend the wishes of his general. Besides this, did any human being exist, who, when at the head of a great Department, would not insist on carrying out his own ideas? It would be hard to say which Army would be in the worst plight—one in which such responsible duties were entrusted to a man who interfered without understanding them, or one in which they were administered by an official who, being responsible, was contented to endorse the views and actions of his subordinates, because he did not understand the details of those duties. Those who now filled these positions were not equal to the task. They would be more than human if they were, for they had devoted their professional lives to the study of one, and had suddenly found themselves at the head not only of that one, but of five or six other Departments. Endless instances might be quoted to show how entirely innocent they were of the various duties which devolved on them, but it would only be necessary to mention one or two to prove his case. At an important military station not long since application had been made to the Controller — a late Commissariat officer—for cartridges. He ordered their issue; his subordinate—a late Military Store officer—declined to supply the particular sort ordered; the superior officer was very indignant and reported him not to the General, but to the War Office; but, on inquiry, it proved that the cartridges ordered to be issued were of an obsolete and dangerous character. Had this happened in war-time what a tragedy might have ensued.

Passing from the tragic to the comic view of the case, he would mention an incident which had come under his notice during the last Autumn Manœuvres. An Artillery officer of high rank, in a playful mood, told the representative of the Control Department attached to his division that, owing to the heavy fighting of the previous few days, his batteries had run short of shell. After much reflection, the Controller offered to telegraph to Woolwich for a supply of shell, not seeing the absurdity of the idea of firing shell during peaceful manœuvres on the Surrey hills. But it might be said that it was necessary to utilize the services of the officers of the old Departments, and that when they died out, or rather had retired on high pensions, their places should be filled by men who had acquired universal knowledge. He believed that they would be then going from bad to worse. They would have Jacks of all trades and masters of none. The next point to which he must refer was a most important one—namely, the relations of the Controller to the General commanding. He was quite aware that, according to the Regulations, the Controller was supposed to be subordinate to the General, and to be instrumental in carrying out his wishes. In point of fact, however, he was far more frequently an impediment rather than an aid, as the members of the Department had come to look upon themselves as the agents of the War Office, and to consider it their special duty to act as checks on the combatant officers; so that, in place of being as of old merely custodians and issuers, under superior authority, of *munitions de bouche* and *munitions de guerre,* they had become another, and, he might almost say, an antagonistic power in the Service. Whether that feeling was derived from the parent source, the War Office or not, he could not say; but so it was, and the Department possessed, to the very full, the same faults which were attributed—and justly attributed—by the Surveyor General, in his evidence before Lord Strathnairn's Committee, to the French *Intendance.* As already stated, the Regulations directed that the Controller is to be subordinate to the General. The official words run as follows, in Paragraph 11:—

> "The Controller will conduct his duties under the direct orders of the officer commanding in the district or station to which he may be attached. He will be the adviser and agent of the officer commanding in all matters connected with the raising or issue of money, the supply of provisions, stores, clothing and transport. He will relieve him, as far as possible, from details connected therewith."

Nothing could be more satisfactory; but, unfortunately, Paragraph 13 concludes with the following words:—

> "The Controller will be held responsible for any measure which may be adopted on his recommendation."

What did this mean, except placing the Controller on an equality with the general—the division of power and the division of responsibility? But the next Paragraph (14) was even more objectionable, and absolutely made the Controller in some sense superior to the General, for it laid down that in the event of the General and Controller disagreeing—

> "A report of the circumstances, countersigned by the officer commanding, together with a copy of the correspondence, will be transmitted by the Controller to the Secretary of State for War, who will hold the officer commanding responsible for the measures ordered by him."

So that the Controller is absolutely invested with the power of reporting his commanding officer. This independence on the part of Controllers was much to be deprecated. Not only was it unfair on general officers as tending to cramp their action, but it was the very way to make small generals, for it at once gave an unsuccessful General grounds for excusing himself. He would be able to say—"The Control broke down;" or "I could not carry out my wishes without bringing myself into collision with the War Office;" no small matter in these days when the Secretary for War possessed such an amount of power and patronage, if he did not actually assume the command of the Army. Before leaving this branch of the subject, he wished to quote one or two instances tending to show that the feeling which he had stated to exist really did animate the members of the Department. Thus not long since a camp was formed in the vicinity of a swamp. Owing to that circumstance, the senior medical officer recommended that each man should be supplied with an extra blanket. The commanding officer, a colonel of Engineers, approved the suggestion, and forwarded it to the Control officer for compliance. That official, in place of doing so, forwarded it with his reason for noncompliance to his superior in the district, who, in his turn, forwarded it with more observations to the War Office. In the meanwhile, the men went without their blankets. Again, a site had to be selected for a magazine. A Committee of Artillery and Engineer officers was sent down for that purpose. They performed the duty, and reported accordingly. The Control officer in the district, however, selected a different site, and reported accordingly to his superior, who forwarded the same to the War Office, with remarks of his own, endorsing the views of his subordinate.

It had, however, been frequently alleged as a reason for maintaining the existing system that the Navy had to be considered as well as the Army. Now, it did not appear that the relation of Controllers to Admirals was much more satisfactory than was the case with Generals, as the following would demonstrate: — The Admiral commanding at our principal naval station directed the Controller to issue a few rifles to bluejackets, who were about to compete at Wimbledon. That official wrote a curt memorandum, agreeing "To do so on that occasion, as the case appeared to be one of urgency;" but stating that he would never do so in future, "unless the requisition came through the Admiralty," or words to that effect. This did not accord with the Admiral's ideas of discipline, so he wrote to the Admiralty requesting that he might be informed with whom the discretion rested as to naval requirements—with the Controller or the Admiral Commanding. The Admiralty consequently requested the War Office to issue instructions preventing a recurrence of such conduct.

The next ground of objection to be taken to the present system was one which especially affected the executive officers of the Department. Could a system be good under which a man might be in charge of bread and beef one day, of barrels and brooms the next, of warlike stores after that, and then of horses and men; or, perhaps, as was frequently the case, of two of these at the same time? He supposed they would hear the old story that "Control consisted of so many sub-departments, officered by men specially trained for each purpose." How was that to be reconciled with one of the leading principles of Control—namely, that the officers, though borne on separate lists for promotion, were to be interchangeable? But it might be said that though interchangeable in theory, such change was not carried into practice. To refute that, he would only refer the House to *The Army List*, which showed that in almost every station there were men performing duties for which they had received no special training. It mattered little whether this was due to interchangeability, or to their having been pitchforked into their places on the formation of the Department. Taking Chatham as an example, it would be seen that there was a late Purveyor's clerk performing the duties connected with warlike stores in the Gun Wharf. There was also a military store officer in the Pay sub-department. There he was, handed over to cash accounts, and flinging his experience of over 20 years to the winds. Again, at the same station—and this applied to almost every garrison—there was a detachment of Army Service Corps, all men taken from the ranks of the Army, officered partly by Military Train officers, but commanded by a Commissariat officer, who, besides looking after the bread and beef, had to drill men, and administer discipline and military law without any experience or instruction whatever. What became of the outcry which had been raised of late as to the necessity for higher military qualifications on the part of the combatant officers, if the officers of the Civil Departments were to be permitted to discharge all the functions of combatants, without any test, examination, or qualification whatever from the day they joined the service until they left it on a far higher pension than combatant officers of corresponding rank could hope to attain, all their tests and examinations notwithstanding.

The last exception which he would take was the absence of any definite rules guiding the relations between Control officers and combatant officers other than general officers. Whatever were the faults of the old system, everyone knew to whom, and through whom, application should be made for what might be required. Now it was not so; but it did not end here. There were absolutely no rules clearly defining the relations which subsisted between members of the Department itself. For instance, in a district in which there was a gun wharf, he could never find any one who could tell him where the duties of the district Controller ended, and those of the gun-wharf Controller began. The official regulations were as follows:—

> "District Controllers will conduct their duties immediately under the authority of the generals commanding districts, and will be responsible to them in all matters connected with Supply, Transport, and all duties lately in charge of the Commissariat, Store, Purveyors', and Barrack Departments, under existing regulations and instructions for the several Departments, together with such special regulations as may have been approved for the conduct of Control duties.
>
> "The Store Departments are excluded from the Great Britain charge, and will not be in any way responsible to general officers commanding districts for the direct supply of the troops, except that all demands for stores, ammunition, and camp equipage in different districts, will be addressed direct to them, to be complied with."

Anything more vague and apparently contradictory could not be conceived; for it appeared that in the same district there were two officers of equal rank whose relations to the general officer were entirely different, and whose relations to each other were both confusing and confused. Perhaps, the best way to show the complicated working of the system would be to state what would be the course of proceeding in the event of a General wishing to send out a flying column. He would, in the first place, request his district Controller to make all arrangements for Transport and Supply of all kinds. The district Controller would, in his turn, order his subordinate —usually an Assistant Commissary, who ranks as a Lieutenant—to provide provision and transport. He would also have to indent upon the gun-wharf Controller for warlike stores, who, in his turn, would order their issue by his subordinate, also an Assistant Commissary. All these gentlemen have different offices. Was there any simplicity in the arrangements; and did they not belie the theory that one administrative head was responsible for everything connected with Transport and Supply? The four points he had endeavoured to establish were—1st. The inability, both mental and physical, of any man to discharge the duties of a Controller in time of war; 2nd. The unsatisfactory relation of the Controller to the general commanding; 3rd. The unsatisfactory effects of interchangeability—inasmuch as it placed men in positions for which they were unfitted; 4th. The confused and complicated working of the system, owing to the absence of any definite rules.

It might fairly be asked—"To what were these grave evils due in a system which could not have been established without anxious consideration?" In his opinion they were due to that bane of armies—over centralization, and to the amalgamation of too many Departments for the sake of an imaginary simplicity, to effect which antagonistic duties had been thrown together, and vital principles disregarded. It might fairly be asked— "What was the remedy for these evils?" Well, that raised important points both of principle and detail; indeed, it was with the view of solving the question that he was about to move for a Commission. He might, however, be permitted—indeed, he felt bound to state two changes which he held to be indispensable to efficiency—namely, the removal of warlike stores from the control of the officers who have charge of Transport and Supply, and the re-organization of the Transport Department. When these fundamental changes had been made, others springing from, or, to use an ill-omened expression, "growing out of them," would be sure to come to the surface. The removal of warlike stores would necessitate the formation of an Ordnance Department, which he agreed with Lord Strathnairn's Committee in thinking should be composed of officers of the late Military Store Department, supplemented by Artillery officers. It was true that some Military Store officers, including Captain Gordon—whose opinion, he admitted, on matters connected with stores was of greater value than that of any man in the country, had objected to the separation of stores. He doubted whether they held the same views now; but, whether they did or not, the arguments which they used before the Committees of 1867 and 1869 were directed against the separation of Artillery from other military stores. He (Major Arbuthnot) advocated the removal of all warlike stores from the charge of the Controller. Surely, if there were two kinds of stores—the one requiring special and scientific knowledge and manipulation, while the other required only ordinary care and attention—it would be more consistent with common sense to place the latter under the supervision of men who understood the former, than to act on the opposite principle, as was now the case. Then, again, although most anxious not to appear to argue this case from an Artillery point of view, the House should recollect that these stores were, with the exception of those few supplied by contract, manufactured under the supervision of Artillery officers. They were used to a large extent by Artillery officers, and in times of war would be used to a far greater extent, and would probably have to be moved by the Artillery, while, even in peace time, they were sent to Artillery officers, when damaged, for repair. Under these circumstances it did seem only natural that either Artillery officers or others, who possessed the same qualifications, should have the custody of such stores. Again, although as an Artillery officer he felt he was treading on delicate ground, he might point out the advantages of employing Artillery officers in this manner, inasmuch as it would, to a great extent, solve the difficult question of how to provide a permeation of steps in the junior ranks, while, on the other hand, to entrust such duties to Control officers would act detrimentally on all officers of garrison artillery, and more especially on commanding officers—the importance and responsibility of whose position would thus be seriously impaired. As regarded the Transport Department, not only the evidence and the Report of Lord Strathnairn's Committee, but the highest military authorities of past and present times, were unanimous in advocating that it should be of a military character. That, no doubt, only applied to standing and not to local or auxiliary transport. A deputy adjutant general of Transport on the Staff of the Commander-in-Chief would at once stamp the Transport Department with a military character. Again, far greater efficiency would be obtained by a complete system of regimental transport. It was rumoured that this was to be carried out, to a certain extent, in the forthcoming Manœuvres; but the advantage of it would be immensely marred, if the men required for regimental transport purposes were to be taken from the ranks of the fighting men. These, and other suggestions which might be made, did not in any sense militate against the principle of a responsible officer for Supply and Transport, because it only had reference to permanent standing, and not to local transport, which would be under the Supply officer. The removal of the discipline of the standing transport would be of immense advantage, as it would give the Supply officers time—which they had not now got—to investigate the resources of their districts as to food, forage, and transport, and would also enable them to make arrangements for the utilization of the same.

With regard to the question of economy time would allow him to deal but briefly. That was to be regretted, as the more he could say on this point the stronger would be his case for asking an inquiry. He would, however, be content with pointing out a few false principles which the present system had created—for instance, the expenditure on stores and the control of such expenditure was in the same hands, or, at any rate, under the same Department. Again, the expenditure was subject to no audit outside the Department. From a financial point of view, the Warrant regulating the pay and retiring allowances of Control officers required careful reconsideration. He was quite aware that pecuniary advantages had to be offered to induce talented men, whether from military or civil life, to take service in these Departments; and he would be the last man in the world to advocate the violation of what might be termed "vested interests,"—to rob anyone of those advantages on the faith of which he had taken service in that Department. At the same time, as far as the future was concerned, ordinary prudence and common justice to the combatant branches and the taxpayers of the country demanded a careful reconsideration of the Warrant. The Warrant of 1st January, 1870, laid down the following rates of pay:—

	On Appointment.				After 5 years in the rank.		
	£	s.	d.		£	s.	d.
Controller	3	0	0	...	3	0	0
Deputy Controller	2	0	0	...	2	4	0
Assistant Controller	1	4	0	...	1	9	0

RETIRED PAY.

	After 30 years.				After 20, but under 30 years' service.		
	£	s.	d.		£	s.	d.
Controller	2	0	0	...	2	0	0
Deputy Controller	1	13	0	...	1	5	0
Assistant Controller	1	0	0	...	0	15	0

Paragraph 18 stated—

> "An officer to be eligible for promotion shall have served on full-pay for the following periods, dating from his first entrance into our service:—To the rank of Controller, 13 years, of which at least 3 shall have been as Deputy Controller.
>
> "Deputy Controller, 10 years, of which at least 3 (including probationary service) shall have been as Assistant Controller."

Thus an officer of 13 years' service, 7 of which might have been in the War Office, was eligible for a position conferring on him the relative rank of Major General. Paragraph 29 laid down that—

> "Officers who shall have completed 30 years' full-pay service (including previous departmental, War Office, or combatant service) shall, on giving 6 months' notice, have an unqualified right to retire on retired pay,"

namely, £730 per annum. The same clause further empowered the Secretary of State for War to place any officer of the Department, disqualified by bodily infirmity contracted in the service, on the retired list at the same rate of pension—namely, £730, if a Controller; £602, if a Deputy Controller; £365, if an Assistant Controller, after 20 years' meritorious service, including Departmental, War Office, or combatant service. How was that to be reconciled with the opinion expressed by the right hon. Gentleman, that £600 per annum was too high a pension for colonels of Artillery and Engineers who had completed 30 years' service? Of the many other points to which he would have wished to refer, had time allowed, he would mention but one—namely, the Pay Departments. It was difficult to understand why there should be two Pay Departments at all, and still more difficult to understand why the officers of the one Pay Department should be so much more favourably circumstanced than those of the other, those connected with Control receiving far higher pay and better retiring allowances, although not compelled to deposit money or provide security on obtaining the appointment as regimental paymasters had to do, both classes being civilians, and being called upon to discharge work of identically the same character.

In conclusion, he could only regret that the hour of the night, the magnitude of the question, and, above all, his own shortcomings had enabled him to do such scant justice to it. Notwithstanding all these disadvantages, he trusted he had shown sufficient grounds to justify an inquiry. If the general officers, the Staff officers, or even the Control officers themselves could be canvassed, there would be scarcely a dissentient voice as to the necessity for inquiry and change. Did the Secretary of State for War, or even the Surveyor General believe in the present system? but whether they did or not, there was no reason why they should refuse inquiry. If they proved right and all the rest of the military world wrong—for the whole military world would be arrayed against them—so much the more would it be to their credit; but if they were in the wrong and refused to accede to his Motion, great and heavy would be the responsibility which they would incur. As a last resort he would point out to the Secretary of State for War that he might agree to this Motion without in any way stultifying himself. He had promised great and important, and doubtless, in some instances, useful changes in the organization of the combatant forces. These changes would, of themselves, necessitate large organic changes in the Administrative Departments. Unless these changes were carried out simultaneously, his plans, however good they might be in theory, would fail to give what the House and the country had demanded, and with nothing short of which would they be satisfied—namely, an Army—a defensive Army—not only numerically formidable, but an Army which could be fed, which could be moved, and which, in the event of its being called upon to do so, would prove itself able to meet and to sustain the shock and the strain of a prolonged campaign. In conclusion he begged to move that an humble Address be presented to Her Majesty.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be pleased to cause full inquiry by means of a Royal Commission into the working of the Control Department of the Army, and that the said Commission may be required to frame a Report embodying suggestions, if found necessary, for such alterations, both of principle and detail, as may conduce to efficiency and economy in the Civil and Administrative Departments of Her Majesty's Army,"—(*Major Arbuthnot,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir HENRY STORKS said, the hon. and gallant Gentleman had made a great many feints that Session on the subject, but at last he had that night proposed a Motion. Early in the Session he gave Notice of a Motion for the appointment of a Committee of Inquiry into the Control Department, but up to the present time that Motion had not come on, and now he moved for a Royal Commission of Inquiry. As regarded the evidence which he (Sir Henry Storks) gave on that subject before Lord Strathnairn's Committee, he admitted that he had since found his former views impracticable. Stores must, he now felt, all be consigned to one individual, and if that were not done mischief would ensue. They had effected reductions in the *personnel* of the Department amounting to £45,000 a-year, while the number of communications addressed to the War Office on administrative subjects had diminished by no less than 60,000 per annum. The great object, however, they had had in view was to make the general officer responsible for all that had happened under his command, and, with that view, he unequivocally declared that the Controller was an officer placed at the disposal of the General, that his duty was to carry out the General's orders, and that he could make no communication to the War Office without its first passing under the eye of his superior officer and bearing his signature. He could assure the hon. and gallant Gentleman that so far from their object being one of centralization, they had done all in their power towards decentralization, and that if there was one thing more than another upon which his right hon. Friend the Secretary for War had insisted it was decentralization. The system of storekeeping had received every consideration, and although he was aware that in India Artillery officers were frequently appointed as storekeepers, the plan was an expensive one, and one which would not in this country tend, in his opinion, to the advantage of the public service. The Control officers did not under the present system receive that large increase of pay which the hon. and gallant Gentleman appeared to imagine; indeed, in many cases they had lost money by the change. If the hon. and gallant Gentleman really had the interest of the Control Department at heart, he was not pursuing the course best calculated to promote that interest. No doubt the Department was not perfect; and although he had received many reports in favour of it, there were many matters which would have to be altered, and much that would require correction; but they were matters of detail, and with time and fair play the Department would, he was convinced, fulfil all the requirements of the service.

Question put, and *agreed to.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Supply—*considered* in Committee.

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

PUBLIC HEALTH (*re-committed*) BILL.

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Hibbert.*)

[BILL 215.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 41 (Public Works Loan Commissioners may lend to sanitary authority on security of rates).

Amendment proposed in page 20, line 40, to leave out the word "thirty," and insert the word "fifty."—(*Mr. Russell Gurney.*)

Question proposed, "That the word 'thirty' stand part of the clause."

Mr. STANSFELD said, he had carefully considered the matter, and he was willing to accept the Amendment in a modified form by the insertion of the words "30 or 50 years;" but in that case, and with the view of giving every consideration to the permanence of value as well as the permanence and duration of the works proposed to be constructed by means of these loans, he should move the addition of the following proviso to the clause:—

> "Provided that, in determining the time when a loan under this section shall be repayable, the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same shall be lent."

Mr. RUSSELL GURNEY expressed himself quite satisfied with the Amendment as modified by the right hon. Gentleman.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 20, line 40, after the word "thirty," to insert the words "or fifty."—(*Mr. Stansfeld.*)

Mr. ASSHETON CROSS said, the proposal to lend public money for these works was a very different thing from giving the local Boards power to borrow money from private individuals. It was a matter of doubt whether the whole of the drainage system and sanitary arrangements of the country would not be entirely changed in the next 50 years, as they had been changed during the last 40 years, and he thought it was questionable whether public money should be lent for so long a time as 50 years on the faith of works of this description.

Mr. SCLATER-BOOTH doubted whether such loans would be repaid at all.

Colonel BARTTELOT wished to know if the 50 years' loans were only to be granted for permanent buildings, and the 30 years' loans for drainage works?

Mr. COLLINS supposed that the Unions' rates were to be mortgaged for the loans, and as the principle of 50 years' loans had been recognized in the case of loans for educational purposes, he did not see why it should not also be recognized in the case of loans for sanitary purposes, though he thought that 50 years too long a period for which to lend money in either case.

Mr. MONK preferred the original term of 30 years, and was prepared to vote against the Amendment.

Mr. COWPER-TEMPLE said, he was quite willing to leave the matter in the hands of the Government.

Mr. HIBBERT said, it was at present legal for local Boards to borrow for 50 years in the market.

Mr. W. H. SMITH considered that it was contrary to public policy to extend the period of loans for sanitary purposes, when it was not improbable that, as science advanced, the works now thought important might be found to be unnecessary.

Mr. F. S. POWELL said, that if the local Boards went into the open market there was no doubt that they could borrow money within the terms of the statute. Therefore, the question was merely whether the Public Loan Commissioners should have the same power of lending as other bodies.

Mr. WHITWELL hoped the Amendment would not be opposed. He would remind the Committee that, of all the money lent by the Loan Commissioners in Ireland, not one penny had been lost.

Mr. RUSSELL GURNEY observed that the question was between 3½ and 4 per cent, seeing that the Local Government Board could get money for 50 years at the latter rate. The Amendment would benefit those who might live 30 years hence, because under its operation they would only have to pay 3½ instead of 5 per cent.

Sir CHARLES ADDERLEY explained that the clause did not affect the sum for which money might be borrowed, but simply extended the period for lending at 3½ per cent to 50 years.

Mr. ASSHETON CROSS wished to know why the Government had changed their opinion on this point since the introduction of the Bill.

Sir CHARLES ADDERLEY said, the clause had never restricted the power of borrowing to 30 years. The proposed alteration would only apply the rate of 3½ per cent alike to loans for 30 or 50 years.

Mr. CAWLEY said, he could not help thinking that the clause would affect the extent of borrowing powers so far as the Public Loan Commissioners were concerned, and feared it would induce lavish expenditure, leading to excessive taxation.

Mr. CANDLISH pointed out that if the Amendment was rejected the present borrowing powers would not be restricted.

Mr. COLLINS trusted the Committee would not assent to the period of 50 years. The local authorities would, of course, prefer to borrow at 3½ per cent for 30 years, rather than at 5 per cent for 50 years, and therefore the Amendment would practically increase borrowing powers, and so encourage the present generation of ratepayers to throw upon others the burdens they ought to bear themselves.

Mr. STANSFELD said, that the Public Loan Commissioners were to lend on the same conditions as other bodies.

Colonel WILSON-PATTEN thought that a clear understanding should be come to by the Committee as to what the rate should be.

Dr. BREWER said, that they ought not to stint the necessary powers in a case like this.

Mr. ASSHETON CROSS repeated that he thought the period too long, and he wished to ask the opinion of the Committee.

Mr. HENLEY considered that it was a misfortune to give a longer period than 30 years.

Question put, "That the words 'or fifty' be there inserted."

The Committee *divided:* — Ayes 79; Noes 56: Majority 23.

Sir MASSEY LOPES moved an Amendment, the effect of which was, in the case of good and permanent works, to allow the Loan Commissioners to advance money at 3½ per cent.

Amendment proposed, in line 40, to leave out the words "not less than."—(*Sir Massey Lopes.*)

Mr. STANSFELD opposed the Amendment on the ground that Government itself might be compelled in times of pressure to borrow money at 4 or 4½ per cent, with the view of lending it, if the Amendment were adopted, at 3½ per cent.

Mr. GOLDSMID hoped the right hon. Gentleman would give way to the proposition of the hon. Baronet.

Mr. GLADSTONE said, the House knew very well that all loans which were contemplated would be given under the sanction of the Exchequer Loan Board, and they might rely upon that Board seeing to the sufficiency of the security. It would be much better to adopt the usual rule, and give the minimum rate; but he did not think it right that they should be tied down to the minimum rate. The Government sometimes had to pay more than that rate of interest, and, therefore, the Commissioners could not undertake to lend at that rate uniformly.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:* — Ayes 65; Noes 61: Majority 4.

Mr. GLADSTONE said, that in order to meet the views of the hon. Baronet (Sir Massey Lopes) he was willing to introduce words which would allow the Public Loan Commissioners to lend money at any such rate below the minimum at present fixed by the clause as would not involve loss to the public Treasury. He would, therefore, move to insert after "3½ per cent" the following words:—

"Or such other rate as may in the judgment of the Lords Commissioners of the Treasury be necessary in order to enable the loan to be made without loss to the Exchequer."

Amendment *agreed to;* words *inserted.*

Mr. DILLWYN moved an Amendment, by adding words at the end of the clause, authorizing the Public Works Loan Commissioners to reduce the interest on any loan already made to any sanitary authority under the Sanitary Acts, to not less than 3½ per cent.

Amendment proposed,

In page 21, at the end of the Clause to add the words "Provided also, That in the case of any loan already made to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a-half per centum per annum."—(*Mr. Dillwyn.*)

Mr. STANSFELD opposed the Amendment.

Question put, "That those words be there added."

The Committee *divided:* — Ayes 56; Noes 49: Majority 7.

Clause, as amended, *agreed to.*

Clause 42 (Confirmation of provisional orders by Parliament).

Mr. CAWLEY moved, as an Amendment, in line 4, after "Act," insert—

"Unless public notice shall have been previously given by Advertisement in two successive weeks in some newspaper published or circulating in the district to which such provisional order relates, and after hearing any objections which may be made thereto by any persons affected thereby, and."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 43 (Costs of provisional orders).

Mr. ASSHETON CROSS moved an Amendment, giving power to rural districts to pay out of their rates the expenses of opposing any amalgamation with an urban district, in the event of an urban district wanting to extend its area under the power granted by the clause.

Mr. STANSFELD said, he would accept the Amendment.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

On the Motion of Mr. F. S. POWELL, the following new clauses were *agreed to*, and *added* to the Bill:—After Clause 10—"The fourth section of 'The Artizans' and Labourers' Dwellings' Act, 1868,' is hereby repealed." After Clause 12—"The fourth section of 'The Sanitary Act, 1866,' is hereby repealed."

House *resumed.*

Bill *reported;* as amended, to be considered upon *Tuesday* next, and to be *printed.* [Bill 261.]

BASTARDY LAWS AMENDMENT BILL.

[BILL 109.]

(*Mr. Charley, Mr. Thomas Hughes, Mr. Eykyn, Mr. Whitwell.*)

CONSIDERATION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [15th July], "That the Bill be now taken into Consideration."

Question again proposed.

Debate *resumed.*

Question put, and *agreed to.*

Bill *considered.*

Amendment proposed, in page 2, line 20, after the word "money," to insert the words "not exceeding seven shillings."—(*Mr. Charley.*)

Question proposed, "That those words be there inserted."

Debate arising;

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Monk.*)

Motion, by leave, *withdrawn.*

Amendment, by leave, *withdrawn.*

Amendments made.

MR. CHARLEY said, he would withdraw that part of the Bill altering the law relating to seduction, with the view of proceeding with the subject next Session, and he would accordingly move its omission.

Amendment proposed, in page 4, line 20, to leave out the words "part of this."—(*Mr. Charley.*)

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided:*—Ayes 22; Noes 32: Majority 10.

Other Amendments made.

Bill to be read the third time upon *Monday* next.

REVISING BARRISTERS BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to amend the Law relating to the appointment of Revising Barristers, *ordered* to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Bill *presented*, and read the first time. [Bill 262.]

FACTORIES (STEAM WHISTLES) BILL.

On Motion of Mr. FRANCIS SHARP POWELL, Bill to regulate the use of Steam Whistles in certain Manufactories, *ordered* to be brought in by Mr. FRANCIS SHARP POWELL, Lord FREDERICK CAVENDISH, Mr. CLARE READ, Major WATERHOUSE, Colonel GRAY, and Mr. CHARLEY.

Bill *presented*, and read the first time. [Bill 263.]

House adjourned at Three o'clock till Monday next.

HOUSE OF LORDS,

Monday, 22nd July, 1872.

MINUTES.]—*Sat First in Parliament*—The Viscount Clancarty, after the death of his father.

PUBLIC BILLS—*First Reading*—Grand Juries (Middlesex)* (235).

Second Reading—Statute Law Revision (No. 2)* (217); Metropolitan Tramways Provisional Orders Suspension* (220).

Committee—Tramways Provisional Orders Confirmation (No. 3)* (145-236); Inclosure Law Amendment (221-238).

Committee — Report — Withdrawn — Acrobats (207).

Report — Summary Jurisdiction* (200-237); Ecclesiastical Dilapidations Act (1871) Amendment* (233).

Third Reading — Public Schools Act (1868) Amendment* (212); Tramways Provisional Orders Confirmation (No. 4)* (146), and *passed.*

IRELAND — GALWAY ELECTION PETITION — JUDGMENT OF MR. JUSTICE KEOGH.—EXPLANATION.

THE EARL OF GRANARD: My Lords, I have to ask your Lordships' indulgence in making a statement of a personal nature. I thought I should have had an opportunity of entering into an explanation which I was prepared to give if Earl Russell, who is not now present, had put to the noble and learned Lord on the Woolsack the Question of which he had given Notice for this evening; but on Friday night I received a note from the noble Earl stating that he would defer putting his Question till the 29th instant. The note was in these terms—

> "Pembroke Lodge, Richmond Park, July 19.
>
> "Lord Russell presents his compliments to Lord Granard. He has resolved to put off his Question to the Chancellor till Monday, the 29th."

Well, my Lords, I have now to state that, having read very carefully the Papers which have been laid on your Lordships' Table in reference to the Galway Election case—the judgment of Mr. Justice Keogh and the other documents connected with it—I find myself unable conscientiously to modify the opinion I had formed when I wrote the letter to which allusion has been made in your Lordships' House, or to retract the expressions I made use of in reference to the language of Mr. Justice Keogh respecting the Catholic clergy. Under those circumstances, and being most reluctant that any act of mine should cause the slightest embarrassment to Her Majesty's Government, I considered that the most honourable course for me to pursue was to place my resignation of the Lord Lieutenancy of the county of Leitrim in the hands of the Lord Lieutenant of Ireland. Accordingly, I have done so. I wish to add, my Lords, most explicitly, that I took this step without the slightest pressure having been put on me by any Member of Her Majesty's Government. I have taken this step entirely on my own responsibility, considering that I ought to act in a matter of the kind on my own judgment. Indeed, from the outset, I was perfectly willing to send in my resignation. That resignation having been accepted, I think it will be unnecessary for me to make any further observations, except in the way of thanks to your Lordships for your indulgence in having permitted me to address the statement to the House.

THE COUNTESS OF MAYO.

THE QUEEN'S MESSAGE CONSIDERED.

Order of the Day for the consideration of the Queen's Message respecting a provision for the Countess of Mayo, read.

THE DUKE OF ARGYLL: My Lords, in moving that Her Majesty's gracious Message be taken into consideration, I do not think it will require any words or arguments of mine to induce your Lordships to associate yourselves with the Crown and the other House of Parliament in increasing the provision which has already been made for Lady Mayo. I feel it, however, to be my duty to state in a few words the circumstances under which this Message has come down from the Crown. As soon as intelligence had been received in this country of the assassination of Lord Mayo, it became my duty, as Secretary of State, to consider with the Council of India—which is the only body having power to vote money chargeable upon the Revenues of India—what would be the most appropriate form in which to recognize the services of the murdered Viceroy. I need hardly remind your Lordships that though in the earlier days of the East India Company there were many cases in which large sums of money were voted to the distinguished men by whom we acquired our Eastern Empire, yet in recent years such grants have been almost strictly matters of rule and precedent as similar grants out of the Imperial Exchequer. In this case the precedent which appeared to us most immediately in point was that of the provision made for the widow of the late Lord Elgin; and we thought it would be a fitting provision for Lady Mayo if we voted out of the Indian Treasury alone a sum equal to what had been voted for Lady Elgin both out of the Indian Revenues and the Imperial Exchequer. After communication with the friends and relatives of Lady Mayo as to the form which the Vote could most conveniently take, we thought the most suitable would be to vote her a pension for life of £1,000 a-year, with a capital sum of £20,000, the interest of which would be available for the education and support of her younger children. The provision that was made for Lady Elgin was considerably less, for it was only a life annuity of £2,000, and there was no capital sum at all. But, my Lords, before the arrangements were finally made it became apparent that the House of Commons desired to be associated with the provision for Lady Mayo. I have no doubt that the same feeling was entertained by your Lordships' House; and I must say for myself that I rejoice at it, because I think it well that not only the people of India should recognize the services Lord Mayo had rendered to that Empire, but that the Imperial Parliament should make a recognition of the services which he had rendered to the Crown and the people of this country. I shall, therefore, my Lords, ask your Lordships to associate yourselves with the Crown and the other House of Parliament in making a provision of £1,000 a-year from the Imperial Exchequer for Lady Mayo, which will be in addition to £1,000 a-year charged on the Indian Revenues. My Lords, it will not be necessary to say anything as to the merits of the late Lord Mayo in addition to what I ventured to address to your Lordships on a former occasion, further than to mention that during the months which have elapsed since the time of his assassination I have had an opportunity of conversing with many military officers and civil servants who had an opportunity of seeing what was the noble Lord's mode of fulfilling the duties of his high office; and I have found their unanimous impression to be that his rule in India was such as to win for him the respect and affection of the natives of India as well as of those who served under him in the government of our Indian Empire. Considering that the basis upon which our oriental Empire must ultimately be that of respect and affection, I think it no small matter that we should have had a Viceroy who has been able to make himself thoroughly beloved by all classes of the people he was sent to rule. The noble Duke concluded by moving—

> "That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Majesty's most gracious Message informing this House, That 'Her Majesty taking into consideration the distinguished services performed by the late Richard Southwell, Earl of Mayo, Her Majesty's Viceroy and Governor-General of India, and the loss of his life in Her service and in the discharge of public duty, and being desirous in recognition of such services and in view of the circumstances of his death to confer some signal mark of Her favour upon his widow, Blanche Julia, Countess of Mayo, recommends it to the House of Lords to concur in enabling Her Majesty to make provision for securing to the Countess of Mayo a pension of one thousand pounds per annum for the term of her natural life;' and to assure Her Majesty that this House will cheerfully concur in such measures as may be necessary for securing to Blanche Julia, Countess of Mayo, a pension of one thousand pounds per annum for the term of her natural life."

THE DUKE OF RICHMOND: My Lords, it is scarcely necessary for me to say with what unanimity we respond to the Royal Message from this side of the House, and how cordially we desire to associate ourselves with the Crown and the other House of Parliament in making a suitable provision for the widow of the late Lord Mayo. I quite concur with the noble Duke in the eulogy he has passed, and in thinking that the loss of Lord Mayo is a national one; and I think it is a wise arrangement that some portion of the provision to be made for Lady Mayo and her children should be paid out of the Imperial Exchequer, in order that the people of India may know that the people of England appreciate Lord Mayo's services and lament his death. My Lords, I believe no public man was ever more untiring in the discharge of his duty. I believe no hero ever lost his life more nobly than Lord Mayo. It was from his conscientious discharge of his duty, his determination to take nothing for granted, but to see everything personally, that he was exposed to his untimely death. I do not wish, my Lords, to prolong a conversation on this melancholy subject, but I will say that it must be, at least, some comfort to the widow and children who mourn his loss to know that it is felt by his Sovereign and his country, and that his countrymen—those who were his private friends and those who were opposed to him in politics—are vieing with each other in carrying out a scheme to do honour to his memory.

Then the said Address was *agreed to, Nemine Dissentiente;* and *ordered* to be presented to Her Majesty by the Lords with White Staves.

ACROBATS BILL—(No. 173.)

(The Lord Buckhurst.)

COMMITTEE. (ON RE-COMMITMENT.)

House in Committee (according to Order) (*on re-commitment*).

THE EARL OF SHAFTESBURY said, that the Interpretation Clause was defective, and the prohibitory portion of the measure also was defective, because it only prohibited the performance of children as acrobats, and did not deal with the training of children for acrobats, where most of the mischief lay. To show how necessary it was to forbid the training of children as acrobats, he begged to read to their Lordships an extract from a letter which a friend of his had received within the last few days from a lad of 17—

> "No other chap in the world is so supple, and can tumble and twist himself like me. My father, who injured himself with a fall from a high rope, trained me into it. He began by twisting my limbs and back bone when I was a little baby. I used to suffer dreadful, and I remember when I was from four to nine years of age he used to make me twist myself, and remain twisted up, till my bones seemed to come away from each other, and I was often ill with the pain."

The training began at two years of age, when there was no bone, but when all that subsequently became bone was mere gristle — at that age the poor infants under training as acrobats were curled up for hours, and the number of children who must become diseased or crippled under the process was appalling to think of. The operative part of the Bill only took cognizance of performances whereby the life and limb of the persons engaged might be endangered — but to be effective it should deal with whatever might be prejudicial to the health of the children while undergoing their training. He put it to the noble Lord (Lord Buckhurst), who had introduced the Bill whether it would not be better to withdraw it for the present Session and introduce it again after he had obtained further evidence, and had had an opportunity of enlarging the provisions of the measure. If, however, the noble Lord persevered with the present Bill he would support him, because he approved its principle; but in such case it would be necessary to move an Amendment to include acrobatic performances which were injurious to health as well as those which were dangerous to life or limb.

Lord BUCKHURST, agreeing with much that had fallen from the noble Earl, said, it would be impossible to enlarge the Bill at that advanced period of the Session. He had no objection, however, to withdraw it provided there was any prospect of the dangerous performances on the elevated tight rope, &c., being put a stop to.

The Earl of KIMBERLEY said, he thought it was impossible for their Lordships to proceed with this Bill without some better definition of "acrobatic performance" than that contained in the interpretation clause. The Bill first declared that "acrobat" should mean "a person engaged in any acrobatic performance. It next declared that—

> "Acrobatic performance should mean any muscular exercise, or any performance through the agency of muscular action practised or given by way of trade and for the purpose of gain, whereby the life or limb of the person so engaged should be endangered or injuriously affected."

Something more definite than this was required.

Lord ROMILLY said, that the definition of the cases intended to be covered by the Bill was this—

> "Any muscular exercise or any performance through the agency of muscular action practised or given by way of trade and for the purpose of gain, whereby the life or limb of the person so engaged shall be endangered or injuriously affected."

He did not believe that "acrobat" was an English word, and he had therefore suggested that a definition of the term should be conveyed in the Act, the object being to include any species of muscular instruction that might be dangerous to children. They might be sure that if the exercises themselves were stopped, the preliminary instruction would also be effectually prevented, and he therefore considered that much good would be effected by the measure.

The Marquess of SALISBURY pointed out that the legal definition just supplied by the noble and learned Lord opposite might lead to strange conclusions; for instance, was a jockey riding a race to come within the operation of the Act? He did not know much about such matters, but assuredly a jockey could not exercise his calling without the agency of muscular action—he did it for gain—and his life and limbs were frequently endangered, and sometimes he lost his life.

Lord ROMILLY said, the Act was confined to children under the age of twelve years, and therefore would not apply to such a case. Acrobatic performances might perhaps be briefly translated to mean performances in which a person "went aloft"—an exhibitor on the tight rope, or on the top of a pole.

The Marquess of SALISBURY said, a sailor fulfilled that condition—and as he exercised muscular action for gain at risk of life and limb, he would come under the operation of the Act. It must be remembered that a Court of Law would construe the Act according to the definition, without any regard to the meaning of the Greek original.

The Duke of MANCHESTER said, some of the performances on the rails in

Rotten Row came under the definition of "acrobatic performances." He did not think they would come under the operation of this Bill, because they endangered the life and limb of others rather than of the peformers.

THE EARL OF KIMBERLEY agreed that the Act was at present very loosely drawn, and that if it passed in its existing form many difficulties might arise.

THE DUKE OF RICHMOND suggested that the Bill should be withdrawn for this Session, for there was really no chance of its passing the other House in its present form. Next Session a Select Committee might be appointed on the subject, and something like a useful measure might then be introduced.

LORD BUCKHURST said, he would accept the suggestion of his noble Friend and withdraw the Bill for the present, but would take an early opportunity next Session of again drawing attention to the subject.

Bill *reported*, without Amendment; Then Bill (by leave of the House) *withdrawn.*

INCLOSURE LAW AMENDMENT BILL—(Nos. 169-204-221.)

(*The Earl of Morley.*)

COMMITTEE (ON RE-COMMITMENT.)

Order of the Day for the House to be put into Committee, read.

LORD REDESDALE said, that before the House again went into Committee on the Bill, it was much to be desired that reliable information should be laid before their Lordships respecting the number of commons to be inclosed, and particulars concerning their position, surroundings, &c. He was convinced that if it had not been so near the end of the Session their Lordships would never have proceeded with such haste with a measure of this kind, and he hoped that the Committee would at least be deferred until the information he had indicated, and which he should be willing to move for, had been obtained.

THE EARL OF MORLEY said, that all the particulars desired by the noble Lord were already in print, in the Reports of the Inclosure Commissioners.

House in Committee.

LORD DUNSANY moved, after Clause 3, to add these words—

> "Provided also, that where such land is not within five miles of any town or within three miles of any village or hamlet, and where the population within three miles of the centre of the proposed inclosure shall not exceed ten inhabitants to the square mile, the Commissioners may use their own discretion as to the allotment of any recreation ground or field garden, having regard, nevertheless, to any such right or custom of user as is expressed in clause 4."

In Wales and elsewhere there was much land which it would be desirable to inclose, in districts almost uninhabited, or at best but very sparely populated, and where it would be simply absurd to set apart any portion for the recreation of the inhabitants, seeing that hardly any were to be found. At the same time, his Amendment would preserve all existing rights in the cases in question.

THE DUKE OF NORTHUMBERLAND agreed with the noble Lord, and desired to point out further that in many instances a number of commons were situated close together; and was it to be said that the stipulated portion from each of them was to be set aside for recreation? Such a thing would be absurd. Yet, as the Act now stood, the Commissioners would be compelled to do it.

THE EARL OF KIMBERLEY said, that the portion to be set aside might be used either for recreation or allotment.

THE DUKE OF NORTHUMBERLAND answered that his objection applied equally in either event, because in the districts he referred to the poorer inhabitants were furnished with such large gardens that further allotments to them would be wholly superfluous.

LORD HOUGHTON asked whether, in the present state of the business of the other House, it was worth while to attempt to proceed further with this Bill? What chance had it of passing the Lower House? By those who opposed all inclosures, the Bill would be regarded as a mere sop, while it would be sure to provoke much opposition.

THE EARL OF MORLEY said, the last speech would have the effect of impugning the spirit of the Bill. He emphatically denied the assertion of the noble Lord that the measure would be received as a mere sop. He had already several times explained the principle of the Bill, which would give facilities for inclosing commons, without at all interfering with the rights of the public. He trusted that the noble Lord would not press his Amendment.

THE DUKE OF NORTHUMBERLAND said, the measure ignored the rights of the lord of the manor.

THE EARL OF MORLEY said, it could hardly be contended that the rights of the lord of the manor were disregarded, as he had an absolute veto over inclosure. The rights of the commoners were of comparatively little importance, but those rights were respected by Parliament. At the same time, Parliament had the right, on behalf of the public and the poorer inhabitants, to impose some conditions upon inclosure.

THE MARQUESS OF SALISBURY doubted whether the right of veto possessed by the lord of the manor under the old Acts would remain when this Bill had passed. The lord and the commoners were entitled to ask from Parliament the means of obtaining a full enjoyment of their rights, and Parliament was now asked to interpose and levy blackmail upon them. If their Lordships adopted the advice given some time ago by a noble and learned Lord (Lord Romilly), and went to their dictionaries for the meaning of words, nothing was "confiscated" which did not go into the Exchequer; but it was certainly spoliation to enact that when the lord and commoners desired to inclose they should be forced to concede to other persons rights which were perfectly new.

Amendment *negatived.*

Clause 5 (Situation, &c., of allotment for recreation ground and field garden.)

THE DUKE OF RICHMOND moved to strike out from the clause all words relating to commonable land. His reason for doing so was to meet this case:—Suppose he was the owner of a farm of 500 acres, of which 100 were commonable land—as much his freehold as the other 400, but subject to an easement during certain months in the year by parties who had the right of putting their stock there. Perhaps during that part of the year when the 100 acres were not subject to the easement he might lay them down for hay. If these portions of the clause, however, were allowed to stand, these 100 acres might be taken from him, and he might receive in exchange an allotment of common land on the hill-side which would not keep a donkey if you turned him out on it, and which would be of no use to him whatever. He, therefore, proposed to strike out all the words in the clause relating to commonable land;—the result of which would be that a man could not be deprived of that which was his property as much as anything else that he possessed.

Lines 22-23, *moved* to leave out ("of the commonable land instead of out of the common or out.")—(*The Duke of Richmond.*)

THE EARL OF MORLEY defended the clause as it stood. There was a considerable difference between "common" and "commonable land," and the Bill recognized the distinction between these two kinds of proprietorship. By "commonable land" he meant open fields owned in severalty, liable to be inclosed under the General Inclosure Act, and subject to common rights. He put it to their Lordships whether it was not almost useless to grant allotments at a distance from the houses of those to whom they were made, when, if there were "commonable land," the allotments might be made near the houses? This clause said that where there were both common and commonable land the Commissioners might say that the allotments should be taken out of the commonable land; but if there was a gross injustice—which, however, was not likely to occur—two-thirds of the proprietors would never be found to consent, and the provisional order on the subject would fall to the ground.

LORD WENLOCK supported the Amendment, on the ground that commonable lands were matters of sale and settlement, and could not be interfered with without giving rise to a great deal of difficulty.

On Question, That the words proposed to be left out stand part of the clause? their Lordships *divided*:—Contents 55; Not-Contents 81: Majority 26.

Amendment *agreed to.*

Words *struck out.*

THE EARL OF MORLEY moved, after Clause 38, to insert a clause enabling those persons who had given their consents to inclosures proposed to be made under the law as it now existed, and in respect to which the Inclosure Commissioners had issued their provisional orders, to withdraw such consents if they should think fit to do so. The Commissioners were, therefore, authorized to modify the provisional orders so as to bring them under the Act; and the proprietors might either accept the modified orders or withdraw their consents.

THE DUKE OF RICHMOND said, those persons who had agreed to inclosures under the existing law and who had complied with all the terms necessary for the carrying out of inclosures ought to be allowed to complete the inclosures they had begun.

LORD ORMATHWAITE wished to know what arrangement the noble Earl proposed in cases where the number of landowners was large, and part of them were willing to accept the conditions which this Bill would impose, but the other part were not willing?

THE EARL OF MORLEY said, the applications for the inclosures which were not yet completed were made after a Committee of the House of Commons reported that no further inclosures should be made until a new measure on the subject had been passed. Therefore, he thought it was not unfair to subject landowners to the conditions which this Bill would impose if they wished to go on with the inclosures they had proposed; but in case they did not like these terms to allow them to withdraw their consent to the inclosures.

THE MARQUESS OF SALISBURY said, the House of Commons was a changing body, and he did not think that the Resolution to which the noble Earl referred was a reason for imposing the conditions of this Bill on landowners who had consented to inclosures under the existing law if they wished to complete those inclosures.

On Question? their Lordships *divided:*—Contents 50; Not-Contents 71: Majority 21.

Amendment *disagreed to.*

On Motion, that the Amendments be reported on *Friday* next,

THE DUKE OF NORTHUMBERLAND moved that the Amendments be reported this day three months.

THE EARL OF KIMBERLEY urged that courtesy required notice of such an attempt to reject the Bill. Amendments had certainly been made in it which he disapproved, but it was still a useful Bill.

THE MARQUESS OF SALISBURY remarked on the uselessness of Amendments being made by this House unless the Government assented to them. Without that assent, the Bill would be returned by the House of Commons a few days before the end of the Session, when no Peers would be present to insist on such Amendments.

LORD CHELMSFORD appealed to his noble Friend to postpone his Motion to a future stage.

THE DUKE OF RICHMOND joined in the appeal, promising his noble Friend his support on a future occasion. He hoped the Bill would not leave this House; but it would not be fair to reject it without notice to-night, when the division already taken had shown on which side the majority lay.

THE MARQUESS OF RIPON said, the Government simply asked for fair notice.

THE DUKE OF NORTHUMBERLAND, disclaiming any wish to take the House by surprise, said he would defer his opposition to the Bill till the next stage.

Amendment *withdrawn.*

The Report of the Amendments to be received on *Friday* next, and Bill to be *printed*, as amended. (No. 238.)

House adjourned at a quarter past
Seven o'clock, till To-morrow,
half past Ten o'clock.

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HOUSE OF COMMONS,

Monday, 22nd July, 1872.

MINUTES.]—SELECT COMMITTEE—*Report*—Euphrates Valley Railway [No. 322].

SUPPLY—*considered in Committee*—ARMY ESTIMATES.

Resolution [July 19] *reported*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Ordered—First Reading*—Drainage and Improvement of Land (Ireland) Supplemental (No. 3)* [265].
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First Reading—Public Works Commissioners (School Boards Loans)* [266]; Boundaries of Counties (Ireland)* [267].

Second Reading—Law Officers (England) Fees* [257]; Treaty of Washington* [260]; Turnpike Acts Continuance, &c.* [245]; Greenwich Hospital* [253]; Factories (Steam Whistles)* [263].

Second Reading—Referred to Select Committee—Local Courts of Record* [259].

Committee—Thames Embankment (Land) (*re-comm.*) [214], *negatived;* Debtors (Ireland)* [228]—R.P.; Bankruptcy (Ireland) Amendment* [227]—R.P.; General Police and Improvement (Scotland) Act (1862) Amendment* [250]—R.P.

Committee—Report—Local Government Board (Ireland) [90]; Parish Constables Abolition (*re-comm.*)* [255].

Considered as amended—Railway Rolling Stock (Distraint)* [248].

Third Reading—Basses Lights (Ceylon)* [234]; Judges' Salaries* [242]; Bastardy Law Amendment* [109]; Adulteration of Food, Drugs, &c.* [37], and *passed.*

Withdrawn—Income Tax Collection (Public Departments)* [243]; Corrupt Practices* [22]; Public Health and Local Government* [49]; Courts of Law (Scotland) Agents* [223].

PARLIAMENT—BREACH OF PRIVILEGE—PUBLIC PETITIONS COMMITTEE—FICTITIOUS SIGNATURES TO A PETITION.—OBSERVATIONS.

Mr. C. FORSTER brought up a Special Report from the Committee on Public Petitions, stating that the Committee having examined the signatures to a Petition of the inhabitants of Manchester, Salford, and district, praying for alterations in the sale of Intoxicating Liquor (Licensing) Bill, which was presented upon the 11th day of this instant July, and which purports to be signed by 69,148 persons, report that a number of these signatures are fictitious and some of an obscene character; and that your Committee have felt it their duty to bring under the notice of the House, this scandalous abuse of the right of petitioning as involving a breach of the Privilege of this House, and an offence against the dignity of Parliament.

Mr. Serjeant SIMON said, that as he had presented the Petition in question, he wished to explain that the document was handed to him by a deputation, with a request that he should present it to the House. He inquired whether so many thousand signatures were all genuine, and he was assured they were; and, having regard to the respectability of the deputation that waited upon him, he had no reason to feel any doubt upon the matter. When, therefore, his hon. Friend the Chairman of the Committee on Petitions drew his attention to the subject, he felt it his duty to communicate with the deputation. He had also gone to the Petition Office and examined several of the sheets, and when he stated that the fictitious names were the names of such persons as King Louis Philippe, the King of Italy, and Prince Bismarck, the House would readily understand that the persons who had appended those signatures were not persons who were favourable to the prayer of the Petition. From a letter he had received, it appeared that the sheets were left at different places for the purpose of obtaining signatures, and were taken away, and other sheets substituted, it was said, by the opponents of the Petition. The Petition prayed that the hours for opening and closing public-houses in the country might be the same as those in the metropolis. If the House thought fit to institute any investigation into the matter, he should be happy to lend his aid in exposing this gross abuse of the right of petitioning, of which, however, he believed the *bonâ fide* petitioners were wholly and entirely ignorant.

Mr. JACOB BRIGHT said, he wished to know whether he would be in Order in saying a word or two on the subject?

Mr. SPEAKER: The Report will be ordered to lie on the Table, and the House may hereafter take such proceedings as it may think proper upon it.

Report to lie upon the Table.

POOR LAW—HENLEY UNION.

QUESTION.

Mr. HERMON asked the Under Secretary of the Local Government Board, Whether the Board of Guardians of Henley Union have sufficient medical assistance for the necessities of the outdoor poor, delay having occurred in visiting a poor woman (of the name of Bishop) residing in Peppard parish?

Mr. HIBBERT replied that no representation had been made to the Local Government Board of insufficient medical assistance for the out-door poor in the Henley Union. The areas of the medical relief districts in the Union did not appear too large. He was in communication with the Board of Guardians on the subject, and he would be happy to place the answer he received in the hands of his hon. Friend.

JUSTICES OF THE PEACE—WRIT OF "DEDIMUS POTESTATEM."—QUESTION.

MR. HUNT asked Mr. Attorney General, If it is necessary for a person named in the Commission of the Peace to take out a dedimus, &c. before he can act as a justice of the peace?

THE ATTORNEY GENERAL said, it was very difficult to answer such a Question, but he would give the best opinion he could upon it. The oaths to be taken by a magistrate were those only which were imposed by the two Promissory Oaths Acts of 1868 and 1871; and, therefore, as the oath taken under a writ of *Dedimus Potestatem* had become unnecessary, the writ had become unnecessary too. In his opinion it was superfluous to take out a *dedimus*, but that was not quite clear. The *dedimus* was contained in the 13 *Richard* II., c. 7, and though that Act had been repealed, a subsequent statute of George I., in which the *dedimus* was also mentioned, was not repealed. Therefore, there were some materials, no doubt, for a legal argument upon the question whether the writ still existed, and had any virtue; but he thought that a Court of Law, whenever the question was raised before it, ought to decide, and would decide, that the issuing of the writ was no longer necessary.

IRELAND—THE IRISH LAND ACT—CHAIRMAN OF IRISH COUNTIES (SALARIES).—QUESTION.

MR. STACPOOLE asked the Chief Secretary for Ireland, What steps are being taken to redeem the pledge of the Government as to increased remuneration to the Chairmen of Irish Counties for their augmented judicial services under the Land Act?

THE MARQUESS OF HARTINGTON said, the question as to increasing the remuneration to the chairmen of Irish counties had been under the consideration of the Lord Chancellor and his right hon. and learned Friend the Attorney General for Ireland, and it was hoped some settlement would have been arrived at during the present Session; but a Committee having been appointed by the House of Lords to inquire into the constitution of the Landed Estates Court, the Government did not think it right to take any definite step as to the salaries of the chairmen when the whole constitution of the Court might have to undergo alteration. There was no probability now that the subject could be settled before next year.

TREATY OF WASHINGTON BILL—CANADA—GUARANTEED LOAN. QUESTION.

SIR CHARLES W. DILKE asked the First Lord of the Treasury, Whether, if the House should assent to the Treaty of Washington Bill, it would by so doing in any way bind itself to give favourable consideration to the proposed Canadian guarantee?

MR. GLADSTONE: Sir, in answer to the Question put by my hon. Friend, I have to state that it is perfectly true that a distinction exists between the position of the House and the position of the Government in respect to the proposed Canadian guarantee. The position of the Government is perfectly fixed, and I need not explain it—it has been sufficiently explained before. The question refers strictly to the position of the House. As regards the position of the House, I must say that according to the best opinion I can form the assent to be given to the Treaty of Washington Bill is not intended by us to imply—and does not in the slightest degree imply—any alteration in the position of the House with respect to the guarantee, and for this reason—the Treaty of Washington Bill is introduced not exclusively or primarily for the purpose of our fulfilling engagements with the colonies, but for the purpose of fulfilling an engagement perfectly absolute under the Treaty of Washington itself; and unless it were introduced and passed now, the effect would be that whereas it is probable that the Congress would be meeting some two months hence, the whole legislation of the colony connected with this subject would remain suspended. It was, therefore, necessary that the judgment of the House should be taken at present. On that ground my hon. Friend will see that the liberty of the House is not in the least degree affected by the guarantee the Government intend to propose.

EXPORT OF COAL.—QUESTION.

LORD JOHN MANNERS asked the President of the Board of Trade, What was the quantity of Coal exported during the year 1871, and in the first six months of 1872; and whether the imposition of any Duty on the export of Coal to Foreign Countries is forbidden by existing Treaties, and, if so, when such restrictions will expire?

MR. CHICHESTER FORTESCUE said, the figures found in the monthly and annual Report of the Board of Trade were these—The quantity of coal and coke, cinders, and manufactured fuel exported from the United Kingdom during the year 1871 was 12,747,000 tons, and during the first six months of this year 6,466,000 tons. With regard to the second part of the Question, the Treaty of Commerce between the United Kingdom and France of 1860, which it was known was denounced by France in March last, would not expire till March next, and under its provisions no export duty could be levied on coal, so far as France was concerned. Precisely the same engagements were entered into between this country and the Zollverein in 1865, and that Treaty would continue in force till 1877; consequently no export duty could be levied on coal exported to the States of the Zollverein till that date, nor to the numerous countries which possessed the right of the most favoured nation by Treaty.

WEST INDIES—GOVERNMENT OF THE LEEWARD ISLANDS.—QUESTION.

MR. JACOB BRIGHT asked the Under Secretary of State for the Colonies, Whether there is any foundation for the complaints which have come from planters and others of the Leeward Islands, that instead of the reduction in expenditure contemplated by Her Majesty's Government under the consolidation of the separate Governments, the result thus far has been an increased expenditure with increased taxation?

MR. KNATCHBULL-HUGESSEN: Sir, it is generally the case that the initiation of any considerable change in the form of a Government is attended by a temporary increase of expenditure. The consolidation of the Leeward Islands has been no exception to this general rule; but we have every hope and belief that, after a short interval, it will be found that economy as well as efficiency of administration have been promoted by that consolidation. Meanwhile, Her Majesty's Government omit no opportunity of urging upon the Government of the Leeward Islands the necessity of a vigilant control over local expenditure.

NAVY—EXPERIMENTS ON THE "GLATTON."—QUESTION.

CAPTAIN BEAUMONT asked the First Lord of the Admiralty, Whether he will continue the experiment further to test the turret of the "Glatton," as the shots fired were exactly in a line with the axis of the turret, and, consequently, could not throw any strain on the revolving gear, and no shot was fired at the glacis?

MR. GOSCHEN: Sir, in answering the Question of the hon. and gallant Member, I wish the House to understand that I am not putting my own personal views against his upon a professional question, but that I am stating the views of the highly scientific and experienced gunnery officers, and of the professional officers generally, under whom the experiments in connection with the *Glatton* were conducted. I will now state that the hon. and gallant Officer is mistaken in saying that, because the shots were fired, roughly speaking, in a line with the axis of the turret, they could not throw any strain on the revolving gear. It had been distinctly held by many persons whose opinions were entitled to weight, that a very heavy blow delivered at a short range on the upper part of the turret might strain the machinery by which the turret revolves. A shot was fired to test this particular danger. The turret gear successfully resisted the blow. As regards the glacis plate, though the hon. and gallant Member states that no shot was fired at it, as a matter of fact, the glacis plate was actually struck and cracked, and the projectile driven into the lowest plate of the turret to a depth of 13½ inches at the precise spot where danger was most apprehended—namely, on its abutment with the glacis plate. The appearance of the shot driven in at that point gave the exact impression of a bolt purposely driven in to prevent the turret revolving. I am informed that, if 500 shots were fired, it would be difficult to hit a more critical spot or to secure a more crucial test. Under these circumstances, it was not considered necessary to fire a third shot; and, in fact, no further experiments are contemplated.

POST OFFICE—POSTAGE RATES (UNITED STATES).—QUESTION.

MR. SEELY asked the Postmaster General, Whether Her Majesty's Government have made any communication to the Government of the United States, with the view of carrying out the Resolution of this House of the 2nd May 1871, relative to a reduction of the rates of postage between the two countries; and, if so, with what result?

MR. MONSELL said, he had last year an interview with General Schenck, in accordance with a Resolution passed by the House, and expressed a desire that so far as it might be done without imposing a new charge on the public Revenues, reductions should be made in the postage rates between the two countries. General Schenck had since communicated with his Government on the subject, and had informed him that the inland letter postage of the United States still continued to be three cents, and that so long as it remained at that rate it would be impossible for America to agree to a penny postage between the two countries.

MR. SEELY asked if the possibility of reducing the postage from 3*d.* to 1½*d.* had been considered?

MR. MONSELL said, that that was the only communication which he had received from General Schenck.

IMPRISONMENT FOR SMALL DEBTS. QUESTION.

MR. M. T. BASS asked the First Lord of the Treasury, Whether Government will sanction the appointment of a Committee, in the ensuing Session, to inquire into the present state of the law in regard to imprisonment for small debts?

MR. GLADSTONE said, he had consulted the Solicitor General with regard to the appointment of a Committee next Session, and there would be no difficulty in appointing such Committee if the House desired it; but, at the same time, the Government would rely on the energy, ability, and perseverance of the hon. Member for the conduct of the inquiry.

NAVY—OPENING OF PORTLAND BREAKWATER.—QUESTION.

MR. EDWARDS asked the First Lord of the Admiralty, Whether it is the intention of the Admiralty to send the Fleet to Portland on the occasion of the opening of Portland Breakwater by His Royal Highness the Prince of Wales on the 10th of August?

MR. GOSCHEN said, the Mayor and Town Council had memorialized the Queen to take part in the celebrations at the opening of Portland Breakwater, a work in which the late Prince Consort took special interest, and the result was the Prince of Wales had kindly consented to take part in the ceremony. As the Channel Squadron would be in the immediate neighbourhood on the 7th, it was quite possible for it to be at Portland on the day fixed—the 10th of August—without disturbing the arrangements already made.

IRELAND — LORD LIEUTENANCY OF LEITRIM — THE EARL OF GRANARD. QUESTION.

MR. KAVANAGH (for Sir THOMAS BATESON) asked the First Lord of the Treasury, Whether the Earl of Granard has resigned the Lord Lieutenancy of the County Leitrim, or whether he has intimated to the Government his intention of so doing?

MR. GLADSTONE: Sir, some time ago a communication was made to my noble Friend the Viceroy of Ireland through a common friend, to the effect that the Earl of Granard was willing to resign his Lord Lieutenancy, provided the Government thought it desirable he should do so. The answer to that was, that we did not think it was the duty of the Government to take the initiative in a matter of that kind, in the way of advice. The Government might dismiss, but my noble Friend did not think it was his duty to advise. Recently, the noble Lord spontaneously tendered his resignation of the Lord Lieutenancy, and it has been accepted by my noble Friend.

IRELAND—RESIDENT MAGISTRATES (SALARIES).—QUESTION.

Mr. SYNAN asked the Chief Secretary for Ireland, Whether the salaries of the Resident Magistrates in Ireland will be included in the scope of the inquiry proposed in reference to the salaries of the Civil Servants of the Crown in Ireland, the same as the salaries of the Police; and, if not, whether he has any objection to include them?

The Marquess of HARTINGTON said, that having consulted the Chancellor of the Exchequer, he was able to say that the right hon. Gentleman saw no objection to the memorial of the resident magistrates as to their salaries being inquired into by the Commission on Civil Service Salaries in Ireland. In the opinion of the Government, the system of allowances received by resident magistrates in Ireland was extremely unsatisfactory; but it must be understood the Commissioners' inquiry would be directed quite as much to, if not rather to, the readjustment of the emoluments received by the officers as to any claim they may have to additional pay.

METROPOLIS—BATTERSEA PARK.

QUESTION.

Mr. COWPER-TEMPLE asked the Chief Commissioner of Works, Whether it is intended to employ any portion of the land within the boundary fence of Battersea Park for purposes of building?

Mr. AYRTON said, he had not heard of any proposal to employ any portion of the land within the boundary fence of Battersea Park for the purposes of building, nor had he any intention so to employ it himself.

Sir ROBERT PEEL said, that one side of the Park remained in a most unfinished state; and, considering the numbers of persons who used the Park, it would be well if a Vote could be taken in the Estimates of the year to complete it.

Mr. AYRTON said, the Estimates for the present year had been already voted; but it was desirable that something more should be done at Battersea Park, and he was taking steps to have more trees planted around it, so as to hide any houses which might afterwards be built. He regretted that this course had not been taken by the right hon. Gentleman his predecessor, who had asked the Question, during the considerable time he had held the office.

SUPPLY—ARMY ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £124,500, Army Reserve Force.

Colonel BARTTELOT said, that at that late period of the Session he would not go into the question of recruiting for the Army; but as the main part of the scheme of the right hon. Gentleman the Secretary of State for War depended on his getting a sufficient number of men into the Reserve, he wished to ask the right hon. Gentleman how he proposed effectually to retain the services of the men, and what arrangements he was about to make for their being called out for drill during a certain period in every year? In his statement the right hon. Gentleman said the Militia Reserve would consist of 30,000; but in the Estimates the number was set down as 25,000. Perhaps the right hon. Gentleman would explain this discrepancy.

Mr. CARDWELL replied, that the hon. and gallant Gentleman had not read the Estimates correctly. The 25,000 men belonged to the Second-class Army Reserve, the 30,000 men of the Militia Reserve having been already provided for by the Committee in the Militia Vote. In regard to the Reserve Forces generally, the Act provided that their training should take place at such periods as would least interfere with their civil occupations. That Proviso was introduced because he had ascertained that the former Reserve appeared less popular than was desirable; first, because the pay was not deemed sufficient, and secondly, because the law compelling the Reserve to be called out with the Militia made men afraid of joining the Reserve lest they should not be able to obtain civil occupation. Consequently, the pay of the men had been increased, and a Proviso introduced that they should be called out at such a period as would cause the least interference with their civil employment. When the localization system came into operation it would be easy to carry out this regulation, as each man would be attached to a particular local centre. With regard to the men leaving the locality to seek for employment, it was intended that each man should be entered in the books at his own natural centre; and that when he migrated, he should report himself to the brigade centre to which he belonged, though he would be paid and trained at the centre for the district where he was working.

Major General Sir PERCY HERBERT asked what was the rate of pay?

Mr. CARDWELL said, it was 4*d.* a-day.

Lord ELCHO believed that at present it was not possible to get a Reserve without offering pensions, for according to the report of the recruiting officers the men still looked for a pension; and he therefore wished to know whether pensions would be given? He would further ask whether any of the Reserve would take part in the Manœuvres next autumn?

Mr. CARDWELL stated that 200 of the Reserve would take part in the next Autumn Manœuvres, and would be attached to different regiments. With reference to pensions, they were not at present enlisting for short service, except for the infantry, and there would, of course, always be a certain proportion of the infantry going for long service.

Lord ELCHO asked why the number of the Reserve to take part in the Manœuvres was limited to 200, and how many attended on pay-days?

Mr. CARDWELL said, they had no right to call out the Reserve for the Autumn Manœuvres, and it was considered better to try what number would volunteer to come. The number of the Reserve who appeared on pay-days was very great in proportion to the whole.

Major General Sir PERCY HERBERT inquired how it was that there was no power to call out the Reserve for the Autumn Manœuvres?

Mr. CARDWELL replied that the Act of Parliament only gave the Secretary of State authority to call them out for training during 12 whole days in any one year; and that time would not allow of their being called out for the Manœuvres.

Mr. HOLMS asked, with reference to Class 2 of the Reserve, whether it had ever included 30,000 men, or whether there had been a reduction of 5,000?

Mr. CARDWELL said, a Return which had been laid on the Table showed that 30,000 would be available in case of necessity; but there had not been pay taken for 30,000, because it was not compulsory upon them to serve, and they were unwilling to leave their civil occupations. He believed about 25,000 was the real number.

In reply to Major General Sir Percy Herbert,

Mr. CARDWELL stated, from a Return which had been presented to the other House, it appeared that 600 of the Reserve were called out last year, and it was intended to call them out at their several brigade centres when the new system had been introduced. In the meantime, after being in communication with His Royal Highness the Commander-in-Chief, he had determined in making arrangements for the next Autumn Manœuvres that 200 would be the best number to take of the Reserve.

Vote *agreed to.*

(2.) Motion made, and Question proposed,

> "That a sum, not exceeding £379,700, be granted to Her Majesty, to defray the Charge for Control Establishments, Wages, &c., which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

Mr. JACOB BRIGHT: Mr. Chairman—The Committee will admit that women of the humbler classes in this country are far less capable of influencing the proceedings of this House than any other portion of Her Majesty's subjects. They are far less capable of making their voice heard through the Press, and, therefore, if we are going to maintain a law which subjects them to insult, and which surrounds them with peril, I think we are bound to give our most careful consideration to that law. Sir, everybody is aware that this is not an agreeable topic to deal with, and I should think that no one who knows anything of this House would willingly undertake such a subject; but if we pass Acts of Parliament such as the Contagious Diseases Acts, we must submit to their discussion, however disagreeable it may be. We are asked by the Government — I am sorry we should be asked by any Government in this House, and more especially by a Liberal Government — but we are asked by the Government to vote this sum of money to maintain a system of secret police—to maintain a band of spies to prowl about our towns to discover, not the vicious habits of men and women, but of women alone. These spies have the power to place upon a public register every woman supposed to be a common prostitute, and to compel her fortnightly, or at such times as the authorities may fix upon, to subject herself to instrumental violation. The Act of Parliament contains no definition of the term "common prostitute." There is nothing to show at what particular stage in vice a woman becomes a common prostitute. The secret police, therefore, have to determine this question themselves, without the aid of Parliament. Will anybody attempt to deny that that is a most difficult question for them to determine? Does it not appear extremely likely that in determining it, respectable women may sometimes be treated as common prostitutes? Let us consider for a moment the difficulty of the task that we put upon the secret police. Between the line of chastity and that of common prostitution there is necessarily every grade of conduct. There are many women on the borderland, as I may term it, whose reputation and freedom depend entirely upon the proceedings of the secret police; women who, if they are very poor and dependent, are liable to be brought up, to defend themselves on a charge of being common prostitutes; and if they succeed—and they do succeed sometimes—in showing that they are respectable persons, their position is only a little better than it would be if they had failed, for they are pointed at and liable to suspicion ever after. I will divide the women who occupy this border-land into two classes. First, there are those who, like men, will indulge in the occasional gratification of their passions, and whose lives are not wholly regular. Suspicion may rest upon such persons, and they may be forced by the police into the ranks of prostitution. Is it not an intolerable thing that women should be placed in this dangerous position, whilst men have unbridled license in vice? But there is another and a larger class; women whose incomes change with the change of seasons, with the change of fashion, and with, from time to time, the depression of trade. Is it not notorious to everybody that such women are driven, from the fear of starvation, from the difficulty of obtaining the means of subsistence for themselves and those dependent on them—is it not notorious, I ask, that many such women are addicted to occasional prostitution in order to assist their miserable wages? These women give the greater portion of their lives to industry and to respectable associations, and only the smaller portion of their lives, from the pressure of want, to vice. Consider the risk which these women run of being dragged over, by your secret police, into the abyss of prostitution! I would ask the right hon. Gentleman at the head of Her Majesty's Government, whether this is just legislation between men and women; or whether it does not bring additional shame and ruin upon women, and give greater immunity in vice to men? We are told, Sir, that the police evince great discretion. Now, I am not going to attack the police. They are just as fallible in carrying out these Acts as they are in everything else. A little time ago we had a discussion on the Parks Bill. There was then a party in this House who were not willing to trust the liberties of the people to the police. I confess I sympathized with that party in the battle which they fought. Whether that battle would have been fought in the same way, if only poor and defenceless women had been concerned, I cannot say. There is one thing which is rather remarkable in connection with the Contagious Diseases Acts; not one lawyer, on either side of the House, has thought it worth while to open his mouth to criticize this legislation. Talk about the discretion of the police, indeed! Anybody who has read the evidence taken before the Royal Commission, knows that an anonymous letter, the malice of another woman, the statement of a drunken man, may set the secret police on any poor woman. As an example of this vaunted discretion of the police, I should like to read to the House a case which has occurred at Southampton. A poor woman was brought up before the Bench — there was a large attendance of members of the Bench — summoned for non-compliance with the provisions of the Contagious Diseases Acts. The case occurred on the 23rd of March, 1871. Mr. Harfield, who was engaged for the defence, said he hoped he should not have to address the Bench, and requested the Inspector to withdraw the information, as the woman was a married woman. The Inspector refused to do so. Mr. Harfield handed the woman's marriage certificate up to the Bench, and stated that she was married to a highly respectable young man, whose name, for obvious reasons, it was desirable not to mention. The constables failed to prove anything against her. It was arranged that her husband should be sent for, which was done, and on his appearing in Court, the officer at once admitted that "he was the only person they had seen in the woman's company." The case was therefore dismissed. There was another case the other day in Dover. A poor woman was brought before the Bench charged with being a common prostitute. She had had an illegitimate child. I do not know whether that is considered a sufficiently suspicious circumstance to justify the interference of the police with her; but witnesses proved that she was a respectable woman, and was gaining an honest livelihood, and the case was dismissed. But suppose the woman had not been able to bring forward this testimony in her favour? We all know well what would have been the result. But taking these cases which I have mentioned, what is the position of those two poor women? The effect of these proceedings is inevitably to put them under suspicion, and to render their paths in life much more difficult. When a lady of title in this country had her character injured in Court, the learned Judge was very severe on the man who had so injured it; newspaper articles were written in defence of the injured lady, and hon. Members of Parliament came down to the House and asked it to pass more stringent laws against defamation of character. But it appears that we set traps and establish elaborate machinery, by which poor women may have their characters ruined. Sir, I have shown you how these Acts are carried out, and, I think, how they must necessarily be carried out; but, as I said before, I do not mean to blame the police. If you want to get all the prostitutes in one particular net, it follows, as a matter of necessity, that in the endeavour to accomplish your object, you must interfere with the liberty and damage the reputation of many poor but respectable women. It has been said that no cases are to be found of injury to women. Let it be remembered that none of the women complaining of outrages have been called before the Commission. Let it be remembered also, that in the charges brought before the Royal Commission against the police of wrongful interference with women, the simple denial of those officials was considered to constitute proof of their innocence. The following I quote from Douglas Kingsford's Summary of the Evidence before the Royal Commission:—

> "The police called twice the same day at the house of a respectable working girl under 16; said that she must come up for examination, unless medical proof could be given that she was not diseased, and that they had been sent to look for a girl of her name. Neighbours remonstrated; but the police laughed, saying that the 'young ones are often the worst.' The mother had her daughter examined by a private surgeon—name and address given—who reported that she was an innocent girl. 'The police afterwards met the girl in the streets and said they had mistaken her for some one else. The errand of the police became public, and the girl suffered from suspicion and taunts.' These and other details, on the statements of the grandmother and mother of the girl—well known to the witness—were confirmed by the master and mistress and other people residing in the house, which was let out in parts to various tenants. The Inspector of police of the district did not give any personal answer to this case, though he had an opportunity. . . . But Captain Harris produced a report of the Superintendent with respect to it, from which it appears that two constables of police called at the house and saw the girl, and finding that she was not the woman they wanted, asked to see her mother 'on the chance of her being so.'"

In former times an Englishman's home used to be considered his castle, and I suppose that would still be true with regard to the rich. But, when we find that houses are invaded in this way, what has become of the sanctity of the homes of the working people of this country? Here is another case—

> "The late Rev. Mr. Heritage told Mr. Sloggett that a 'virtuous and respectable woman of his congregation was spoken to by the police.' Although Mr. Sloggett 'promised, on the part of the Secretary of State for War and the Commissioner of Police, that the strictest investigation should be made into it,' yet Mr. Heritage declined to give the woman's name; an objection, as Mr. Sloggett admits, not altogether unreasonable."

Does anyone suppose that you can get the names of those women who have been so insulted? Here is another case—

> "Mrs. D—— (name and address given) had four daughters living at home with her. Police came to her house, said they had been sent there by girls of the town, insisted on seeing the daughters, and ordered them to attend for exami-

nation. They refused, being respectable girls. One of the daughters afterwards went out one evening. The police called again the next day, and told her of every place she had been to, showing that she was followed all the time she was out; they also asked the names of two acquaintances (men) to whom she had spoken in the street, and ordered her again for examination. None of the daughters went up for examination, and no further proceedings were taken to compel them. Afterwards Mrs. D—— and her daughters were frequently called after in the streets, and asked disgusting questions; in consequence they were afraid to go out, and in one instance the annoyance was so great that Mrs. D—— appealed to the local police for protection."

I give these cases from the evidence before the Royal Commissioners. Now, Sir, I complain that the system must necessarily lead to the gravest and most injurious errors. On Wednesday next we shall have, I believe, a discussion in this House on capital punishment. One of the strongest arguments that I have heard in opposition to capital punishment is, that if the Government takes the life of a criminal it sets a bad example. I would like to ask the right hon. Gentlemen who sit on the Treasury bench, whether they believe they add to the respect for women by compelling prostitutes to submit to the horrible system which is enforced by these Acts? Who are these prostitutes? I suppose they are "our own flesh and blood." Who made them prostitutes? Is it not true that in the majority of cases they have been seduced by men, under false pretences; and, their characters gone, they have been compelled to take to the streets to support themselves? Have we no better way of treating them than that of collecting them together, and sending them to the examination house, turning them adrift again to pursue their miserable occupation under the sanction of the Government? In dealing with a difficult question, is this the highest product of the Christian civilization of England? But, Sir, I shall be told that these unfortunate women are so much in love with this disgusting treatment that they petitioned this House in order to have it continued. And when these Petitions from prostitutes have been presented to this House, I have noticed that they have been met with cheers from hon. Members who sit below the gangway, on the opposite side of the House. They have received those Petitions with cheers; but when women of another sort presented Petitions, they have been received with abuse by hon. Members of this House. I can very well suppose that some persons have signed those Petitions sincerely, because I gather from the Report of the Evidence before the Royal Commission, that it is considered that the trade of many of these women has been considerably improved in consequence of the policy of the Government; but taking the Petitions as a whole, I would attach precisely the same importance to them as I would attach to Petitions coming from the Blacks of Carolina in the palmy days of American slavery, asking the Congress of Washington to perpetuate their slavery. The hon. Member for Windsor (Mr. Eykyn) presented a Petition to this House the other day, from prostitutes in favour of the Contagious Diseases Acts. That Petition was got up in the police station. I have a letter here from the assistant overseer; he was defending himself against an attack made upon him for the way in which the Petition was prepared, and he tells us how it was got up. Well the manner in which it was done was this—The assistant overseer wrote as follows to the Superintendent of police:—

"Dear Sir,—Inclosed is a list of the women on the register. If you have no objection to send round and ask them to attend to-night at the police-station at half-past 7 o'clock, I will run down and ask them whether they are disposed to sign the Petition in favour of the Contagious Diseases Acts."

Sir, that Petition was signed in the police-station at Windsor, in the presence of the police and assistant overseer. There have been Petitions from Colchester and Dover of a similar character. With regard to the Petition from Colchester, I have received a letter from Mr. Williams, of the Rescue Society, in which he says—"That Petition was signed by women waiting for examination at the Lock Hospital." The argument used to induce the women to sign, was that greater severity would be meted out to them under the Government Bill; and they were told that at present they had their liberty, and were not interfered with so long as they came up regularly to be examined. I should like to ask the three hon. Gentlemen who presented those Petitions this question—If these women are in a state of alarm lest the system should be put down, and if they derive so much benefit from it, how does it happen that when they get into prison hospitals they frequently break windows, and get into tumults of one kind and another, with the avowed object of being sent to gaol; and how is it explained that, in order to avoid the periodical examination, they have been known to go to prison once, twice, three times? But, Sir, Petitions of an opposite character have been presented to the House. I have a copy of a Petition signed by 61 inhabitants of Dover. That Petition says—

> "That the petitioners reside in the immediate neighbourhood of the place where the women go to be examined; that such a place is disgusting and demoralizing to the neighbourhood. They believe the compulsory examination of prostitutes to be degrading, and pray that the recommendation of the Royal Commission, proposing to repeal the Acts, should be adopted."

I have also had a letter sent to me, which is addressed to the Rev. Mr. Kell, of Southampton. It reveals the state of things with regard to the examination room there. The letter says—

> "The inhabitants of Southampton complain very much, and are extremely bitter against the Government, for allowing such a thing as an examination room in one of the most respectable neighbourhoods of the town. Many of the resident women do not like to be seen out on the examination day, as they are afraid of being taken for prostitutes, a thing which has often happened."

I do not know whether the Home Secretary, who is a great supporter of this legislation, or whether the right hon. Gentleman the Secretary of State for War would like to have such an establishment within sight of his drawing-room windows; but, at any rate, they have no objection to subject other people to these indecent exhibitions. I have been told that these Acts ought to be maintained because the doctors are in favour of them: doctors are in favour of them—yet doctors are also against them. I know a doctor who is at the bottom of the agitation against these Acts, and who has done more in agitating this question than any other man — Dr. Charles Bell Taylor, of Nottingham, a man of character and ability. I asked, one day, the ground of his earnest opposition to these Acts. "Ah!" he said, "many doctors have signed memorials in favour of these Acts, who know nothing of the working of them; but I have lived a great deal on the Continent; I have seen a great deal of the working of these Acts. I know their uselessness, and I have seen how cruel they are to women, and nothing shall stay my exertions to get them repealed in this country." A doctor's opinion is valuable with regard to disease; but on a question with great political and moral bearings, I would rather be guided by the opinions of the average electors than by those of professional men. I would like to ask the right hon. Gentleman the Secretary of State for War, whether he would have any respect for me if I were willing to sanction the introduction of these Acts into the great city of Manchester. What is the position of Manchester? Besides the usual occupations of women, there are large factories worked mainly by women and girls. They go to work at 6 o'clock in the morning, and they toil on till six in the evening; and they have no time for outdoor enjoyment, except at night. How do the poor people get their recreation but by walking at night out of doors? Would the right hon. Gentleman have any respect for me if I were willing that the steps of these poor women should be dogged by hidden spies in order to learn who were chaste and who were not chaste? I would rather consent to any sacrifice than do that to the poor. I should hold it to be a base and cowardly thing to subject them to this treatment, whilst the men, who are more vicious than they, get off scot-free. This, Sir, is a sanitary law, and it deals with one sex only. I do not see the hon. Member for South Norfolk (Mr. C. S. Read), the agricultural Representative of this House, in his place; but I wonder what he would say if any hon. Member were bringing in a sanitary law for cattle, which dealt with only one sex. He would doubt the sanity of any Minister who proposed such an absurd thing. I am not in favour, and I would give no vote in this House for including men under the operations of the Acts. I would submit no human being to the conditions to which women are subjected under these Acts. But I will say this—only to apply this system to one sex is a great failure, and to do so is to be sure of failure. We have experience on this question. We know it on the Continent. It has existed there for many years. I had a letter from a London physician on this subject. He says—

> "Compulsion is a folly, and it fails everywhere. You should have voluntary hospitals, and, in the

long run, they would succeed better than compulsory ones. I have had experience in London and Paris, and the disease in Paris is more serious and more wide-spread than in London. And at Heidelberg, where the Acts are in full force, you have more disease than they have at Kidderminster, in both of which places I have had experience."

The hon. Member for East Cornwall (Sir John Trelawny) wants to reduce disease; and he has the most frightful picture of disease before his eyes. He made a speech in this House not many months ago—it would have been more effective, if he had been less excited. He said—"Many men are falling to pieces in consequence of this disease." If he be sincere in this belief, why does he not apply this law to men, as well as women? The machinery is ready; not a single additional spy would be required. You take women, because you see them in company with men—take men whom you see in company with women. We never knew till these Acts were enforced what was the power of men to propagate disease. The Royal Commissioners state that of the two forms of disease, one has actually increased since this system came into force. The hon. Member for East Cornwall was for protecting innocent wives and children. Prostitutes do not give disease to wives and children. It is the fathers and husbands who give disease to innocent wives and children, and yet he imposes no restriction upon them. If my hon. Friend showed as little logic upon other matters as he does upon this, he would have very little influence in this House or anywhere else. The Prime Minister appears to me to have at least as large a responsibility as any hon. Member of the House, with regard to this legislation. I say so, because I believe he has been a Member of every Cabinet that has passed these Acts. Now, I notice that he has never said a word to defend or attack them. In fact, although we have had this remarkable legislation, there has never been a speech of any kind from the Treasury bench to show—first, that legislation was necessary; secondly, that it was likely to accomplish its object; or, thirdly, that it was just. We have never had a speech dealing with this question, although it is a question vital to the interests of the people. It may seem to some a comparatively small matter confined to the present area; but the promoters of these Acts mean to extend it to the whole people. Now, there is no hon. Member of this House more manly than the Prime Minister. I venture to say that it is his duty, either to defend these Acts or to endeavour to repeal them. He has made important declarations in reply to the inhabitants of Halifax, and on other occasions. He made a declaration when he acquiesced in the appointment of a Royal Commission. He should, on the present occasion, give his opinion on this question. There are thousands of persons outside this House wondering why we never hear anything from the head of the Government upon it; but if he should consent to take part in this debate, I hope he will not tell us that the views of the Government were expressed by the Bill which has been discharged. It was a discredit to the Government to bring in that Bill; it would have been a disgrace to them to have passed it. There may be hon. Members of this House who think that this question is to be allowed to die out. There is no doubt that in consequence of the promises of the Government, and owing to the confidence the people have in the Government, this question has not been agitated during the present Session, as it was before. But I will undertake to predict—that now they have no hope from this Government, the agitation, which is already considerable, will become much wider, and that it will never cease until legislation on this subject is in accordance with the conscience of the people, and with the sense of justice of the great body of the constituencies. I have to move that the Vote may be reduced on Army Estimates by the sum of £3,648, for Police employed under the Contagious Diseases Prevention Act.

Motion made, and Question proposed,

"That a sum, not exceeding £376,052, be granted to Her Majesty, to defray the Charge for Control Establishments, Wages, &c., which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."—(*Mr. Jacob Bright.*)

Mr. CARDWELL said, he was not going to enter upon any argument with respect to the question as a whole, but wished to point out in what position the adoption of the Amendment of his hon. Friend the Member for Manchester (Mr. Jacob Bright) would leave the matter. A duty was imposed by an Act of Parliament upon the Government, and the necessary means for discharging that duty was refused by the House of Commons. He never remembered an instance in which the House had refused the money necessary for carrying out its instructions as contained in an Act of Parliament; therefore, the Committee would see the expediency of not pressing the question further on the present occasion.

MR. BRAND said, he was loth to continue the discussion, but he could not help saying that the House had been placed in the position to which his right hon. Friend had referred, owing to the action of the Government, who, at the commencement of the Session, introduced a Bill to repeal the Acts. That Bill was brought forward by the Secretary of State for the Home Department, in a speech which was open only to one interpretation, and that was that the right hon. Gentleman was favourable to the principle of the Acts, and that he introduced his measure simply in deference to public opinion, or to the express wish of the Cabinet. Now, a Bill thus brought forward had very little chance of passing, and therefore those who were opposed to the Acts were obliged to seize upon occasions like the present for the purpose of expressing their opinions with regard to them. For his part, he was not one of those who thought Parliament ought not to interfere in the matter; but, then, it ought to do so in a legitimate way. The system of compulsory examination in the case of one sex, and that the weakest, was, to his mind, essentially unjust. That being the view which he took, he should, as long as he had the honour of a seat in that House, vote against the continuance of the Acts. If they should be extended to men there would not be much need to protest against them, because then their continuance would be a question of hours instead of years.

MR. DICKINSON said, that as he was opposed to the employment of extra police to carry out the Acts, he should vote against the grant now proposed.

MR. HENLEY: I think no one can be surprised at the Motion of the hon. Member for Manchester (Mr. Jacob Bright), after the positive pledges which have been given by the Government on a subject which certainly excites great interest in the country. The Government undertook to act on the Report of the Royal Commission, and no one can maintain that they have fairly carried out that promise. They have, indeed, brought in a Bill; but they have not made the slightest attempt to carry it. Those who were in the House the other evening could have had no doubt as to the influence which was at work to secure a count out, so that an independent Member should not have an opportunity of introducing the Bill, of which he had given notice, dealing with the question. For my own part, I believe the existing legislation with regard to this subject has been immoral from the first, and that it will never come to any good, bolstered up as it is by cooked Returns, by which it is sought to show that there has been some diminution of disease, when, in reality, the Acts cannot be said to have contributed in the least to a diminution. The local officers, who send in these accounts, have no knowledge whatsoever of the cases in which men suffer from the disease, because many of the men do not go into the hospitals; and it appears from the evidence taken from Aldershot that in a great many instances they endeavour to cure themselves when they find they are infected. The result of that has been a more deplorable state of things than would otherwise exist. In consequence of that attempt on their part to cure themselves, the disease assumes another form, secondary symptoms display themselves more generally than before, thus undermining the health of families, and laying the seeds of disease for future generations. I think the Acts have been framed in violation of the laws of both God and man, and I believe they operate in the same direction.

SIR JOHN PAKINGTON: I must express my regret at hearing my right hon. Friend (Mr. Henley) speak of cooked Returns having been made by public officers, because my right hon. Friend can have no positive information on the subject; and I do not think he has any right to use such language with regard to public officers, unless he has proofs of the justice of what he has stated. Having said thus much upon the remarks of my right hon. Friend, I wish to express a hope that the House will act on the suggestion of my right hon. Friend the Secretary of State for

War. The question at issue is one of great importance, affecting both the moral and physical condition of the people, and it cannot be properly discussed without going carefully into the evidence which has been taken before the Royal Commission. It is a question which ought to be calmly discussed, and not to be made the subject of vehement declamation in the middle of a Vote on the Army Estimates, and I trust the Committee will resolve to treat it in that manner. Whenever the time does come for discussing the question, I, for one, will not shrink from declaring my conviction—my deep and earnest conviction—that, on moral grounds and on physical grounds, these Acts are what my hon. Friend the Member for East Cornwall (Sir John Trelawny) once called them—one of the most benevolent pieces of legislation of the present generation. But, whatever may be our opinion of the Acts, they are clearly not a fit subject for discussion in the middle of passing a Vote on the Army Estimates in Committee of Supply, especially in a case where we pass the Vote as a matter of form, and in which, as my right hon. Friend has said, we cannot, with propriety, shrink from voting. Under existing circumstances, I must decline to discuss the general question, and shall postpone what I have to say until a more convenient opportunity.

Mr. RYLANDS: It is with the greatest reluctance that I rise on the present occasion; but when I remind the Committee that I was a Member of the Royal Commission, appointed to inquire into these Acts, and that for several months that Royal Commission gave a very large amount of time and attention to the consideration of the evidence put before it, and that as the result of all this laborious inquiring and sifting of evidence, the Commissioners recommended that the present Acts be repealed, I do not think the Committee should say we are not justified in protesting against our being put into the position in which we find ourselves to-night. What is that position? It is simply this—that after a Royal Commission, appointed by the Crown at the instance of the Government, with a view to deal with this question, has reported in favour of the repeal of the Acts, Her Majesty's Government have not taken the measures necessary to repeal these Acts, and have left us in this House no opportunity other than is afforded by the Votes in Supply to raise the question, although it is well known that this subject is acknowledged to be important in this House, and is felt to be of the first importance by a large number of people out-of-doors. Now, I will yield to no one in the respect which I feel for the right hon. Gentleman who has just sat down, as a most laborious and painstaking Member of the Commission. I am quite sure he acted in a conscientious manner, although he came to a conclusion different from the majority of the Commission. But I wish to remind the Committee that when the Royal Commission — which was very carefully selected, so as to secure a fair and impartial inquiry, such as would cause the representation of all sides of the question—had met, it was found that a majority of its Members were in favour of the existing Acts. A majority of the Commissioners were of opinion that the evidence brought before them would inevitably prove the Acts had worked beneficially, and that they should be maintained. I watched from day to day the gradual change of opinion upon that Commission; I watched from day to day the effect of the examination of the witnesses; I watched from day to day and found that by degrees first one and then another gave in, and at length one of the Commissioners jocularly remarked to me that what had originally appeared to be a forlorn hope, had changed into a triumphant victory. We had the satisfaction of seeing the majority of the Members of that Commission become in favour of repeal, and that the Commission unanimously—including the right hon. Gentleman the Member for Droitwich himself—recommended the Acts should be repealed. I am quite aware that the right hon. Member for Droitwich appended his name to a protest, which was also signed by the other Members of the minority, asking that a portion of these Acts might be maintained; but that does not alter the fact that he signed the Report of the Commissioners as a body, which Report distinctly recommends that these Acts should not be continued. Yet we are now, in Committee of Supply, long since that Report was presented, asked to Vote £3,000 to carry out these Acts. I say we are justified in resisting this Vote, and I hope the Committee will not be led away from the real point at issue; because there can be no doubt whatever that it is quite within our competency to refuse to find the means to pay for a service we believe to be entirely unnecessary. I wish to address myself to points not of a sensational character, but to a sober consideration of the position in which we stand. I am not going to identify myself with many of the arguments and appeals urged out-of-doors. I wish to deal with this question in a practical manner. I wish the Committee to consider whether the Acts have answered their purpose or not; what has been their effect on the health of the Army and Navy; and what has been their effect upon the women themselves? These are matters of evidence and statistics, not matters for argument and declamation. And I venture to say that the evidence we have before us, and as printed in the Blue Book, will satisfy any candid mind that the impression which has prevailed in support of these Acts, has been entirely unsupported by the facts of the case. Immediately before these Acts came into operation, and concurrently with the operation of these Acts, the Government, with very great propriety and wisdom, directed special attention to the health of the Army and Navy, and adopted a variety of means to promote the health of soldiers and sailors. Within the last 15 years, we have had a Royal Commission, presided over by Lord Herbert, to consider the sanitary condition of the Army; another Commission considering what means should be adopted to improve the sanitary condition of military barracks and hospitals; and since 1857 improvements have been made in barrack accommodation. Another most important Committee was appointed in 1865 to consider the spread of venereal disease in the Army and Navy, and that Committee was engaged until 1867 in considering what steps should be taken to lessen the disease. They made most important recommendations, which were carried out by the War Office and the Admiralty. These recommendations were all aimed at diminishing disease in the Army and Navy, more especially the disease to which our attention is now directed. In the Navy there have been also very large additional measures taken for the health of the sailors, and, among others, I may mention the fact that, instead of their being paid in large sums on the completion of a voyage, they are now allowed to draw from time to time when they arrive at any of our ports and so encouraged to send remittances to their families. They are, consequently, not exposed to the temptation that beset them when they left the ship with a large sum of money, and indulged in a great debauch. Another improvement was the employment of continual service men, instead of limited service men. A better class of men was secured under this system; they were passed from ship to ship, instead of being paid off. Now, this very closely bears on the subject we are discussing. I was about mentioning that in the last few years there have been provided for the men of the Army and Navy, means of healthy exercise, recreation and occupation in various ways. In barracks and vessels of war, there are reading-rooms, day-rooms; and for the soldiers there have been gymnastics and means for open air exercise provided. In fact, every step possible has been taken to induce the men not to leave their barracks and ships, but to stay in their own quarters instead of running riot in the neighbouring places. Sailors' Homes have been established, with most beneficial effect upon the characters of the seamen. Formerly, they had no place to go to but the public-house or the brothel; now they have respectable Sailors' Homes. The training ships, too, have had the effect of introducing a more steady body of men into the Navy, and altogether the class of men in the Army and Navy has very much improved of late. Now, Dr. Balfour and Dr. Armstrong are the highest possible authorities on this subject, and they tell us that, owing to the measures to which I have alluded, the moral character of the Army and Navy, and the character of the men now enlisted in the services, have very much improved during the last few years. Accordingly, you would expect that the health of the Army and Navy should have improved apart from these Acts, and so it has. I have in my hand statistics to show that the health of the Army and Navy has improved of late years; but those statistics show that the health of the services improved very much more before the Acts came into operation than they have done since.

In Devonport and Plymouth, in 1860, the admissions to hospital for these diseases were 440; they had declined in 1864, before there were any Acts, to 289; from 1864 to 1868, with one year of the voluntary system, and three years of the Acts, the decline was only from 289 to 280. That is the case throughout all these stations. It is shown that before the Acts came into operation, the disease was diminishing in a greater proportion than after the Acts came into operation. I have got here a Return. ["Oh, oh!"] I think hon. Gentlemen should listen to the facts of the case. I am now merely giving hon. Gentlemen statistics to show that it is an entire mistake to imagine that these Acts have had the effect attributed to them. Taking the Returns sent to the Royal Commission respecting the whole of the Army at home, we find that the amount of the disease of the character we are now considering existing at the beginning of 1860, amounted to 369 per 1,000, a proportion of 54 per cent. From 1860 that proportion had decreased in 1866 to a proportion of 41 per cent. But from 1866 down to 1869, when the Acts were in force, the reduction was only from 41 to 40 per cent, showing that there was a much greater proportional decline before the Acts came into operation than there has been since. The same result is shown in the case of the seamen of Her Majesty's ships. The ratio had diminished from 1856, when it stood at 116·2, in the 10 years to 76·3; but from 1866 to 1869, when the Acts were in force, the reduction was as from 76 to 59, showing a less proportional reduction. Seeing the impatience of the Committee, I do not wish to trespass long upon the time of the Committee. But before I sit down I wish to urge upon the Committee, that if it is shown by the evidence before the Royal Commission, that other measures adopted for the improvement of the services have improved the health of the men and diminished this special disease, and if it be further shown that before these Acts came into operation, that improvement in health went on at a greater ratio than since, I think that is an argument which should have weight without going into the very forcible arguments, on general grounds, which may be adduced in favour of putting an end to this system. I believe the Acts might be repealed on this evidence alone, and I ask the Committee to support my hon. Friend in resisting this Vote.

Mr. EYKYN: It is not my wish to stand between the Committee and a division; but as I represent a borough where the Contagious Diseases Acts are in force, and where I believe they have diminished disease and increased morality 50 per cent, I wish to state what would be the effect of the repeal of these Acts upon a town like Windsor. Those in the regiments stationed there can state on their own authority, and on the authority of others who are better acquainted with the facts, that the health of the Army has improved, and the morality of the Army has improved; and I may add, the general state of the atmosphere of Windsor, when a regiment is stationed there, will compare favourably with that of any other town. I will not go into figures. We are asked to vote a certain sum for carrying out Acts which have produced this result. It has been stated over and over again not only in pamphlets of a nature to which I cannot refer, but in the Press, that the police have exercised their avocation in an arbitrary, cruel, and imperious manner. I know many of these policemen, and of my own personal knowledge in Windsor I can say they have done their duty with a propriety of conduct and delicacy of manner which reflects the very highest credit upon them. So far from these men having, as we have heard, dodged the women from place to place, they have been instrumental in restoring them to their friends, or finding them useful employment.

Dr. BREWER: I had the honour of being on the Select Committee which recommended these Acts, and all I can say is, that the point raised by the hon. Member for Manchester (Mr. Jacob Bright) was a point most anxiously investigated at the instance of the right hon. Member for Droitwich (Sir John Pakington). His great object was to see that the operation of these Acts was undoubtedly favourable to the women themselves, and all his questions were directed to ascertain the truth upon this point. Since that time I have, to the best of my ability, endeavoured to shape my investigations upon the same plan. Now, I have been referred to as having presented a Petition from the women of Colchester, and referred to unfavourably by the hon. Member for Manchester; but I must say that was a very important document. There were 157 women of this type upon the register when these Acts came into operation, and when I presented that Petition there were only 57. We have, therefore, got rid of two-thirds of the whole, at that very important military station. They were got rid of, in every respect, by being returned to their friends, or, as we found out, through their being engaged in useful positions, having given up that horrible trade, which was found to be so prejudicial to their moral and physical condition. If the hon. Member desires to benefit these poor women, what greater benefit can he wish to confer upon them than this? For five years antecedent to these Acts, the number of these women had increased progressively, year by year. The number, since the Acts have been in force, has been reduced from 157 to 57. The remainder have been traced to useful employments, and the hon. Member for Manchester can, I should imagine, hope for nothing better.

MR. MUNDELLA, who on rising spoke amid considerable interruption, said, the Committee seems unwilling to hear more than one side of this question. It is necessary, however, that both sides should be stated; and I have this question to submit: — two years ago, the Crown appointed a Royal Commission to investigate the whole question. Would it not be fair that the opinion of that Commission should have some weight with the Committee? The deliberate result that the Royal Commission came to was that the Acts should be repealed. Of the six Members of this House who served upon that Commission, only two opposed themselves to that decision, and those two were the right hon. Member for Droitwich (Sir John Pakington) and my hon. Friend on my left (Sir John Trelawny), both of whom claim the parentage of the Acts. Really, the right hon. Baronet the Member for Droitwich seems to think that the way to heaven is through a Lock hospital. Now, I have heard nothing so self complacent as the statement which has been made by the right hon. Baronet, and no one so self-satisfied with the enacting of a mischievous piece of legislation as he appears to be. I would ask the House to hear the other side of the question. The Commission was composed of 20 odd Gentlemen—only six of them had seats in this House—and as a body, they were quite beyond the reach of popular clamour. They were eminent in the country for their judicial spirit and for every virtue, and it seems strange that the opinion of such men should have so little weight with the House. ["Divide!"] The fact is the House will not listen to a statement of the facts; it has made up its mind. ["Hear, hear!"] The Committee cheers that—it knows the House will not listen—will not investigate—will not read. I will, however, accept its decision upon one condition—and that is, that the law be made equal for both sexes—that done, I do not care how severe you make it. Only deal with men in the same way as you deal with women — however intolerable the law, I will not object, because I am sure the evil will cure itself; its action will be automatic, and the country will rebel against such legislation. This law was enacted ostensibly to prevent innocent women and children from suffering the delinquencies of men, but why do you visit these consequences only on women? They do not convey the contagion directly to the innocent wives and children. Why not deal with the accomplices of the women who are the direct agents of inflicting the injury upon the innocent? I protest against a law which visits upon women and children the consequences of the delinquencies of men. The course which the House has taken must be retraced; it is a course infamous, and discreditable to a Christian Legislature, and cannot be supported. Will the Committee allow me to submit to it a document which has never yet been laid before the House? ["No, no!"] "No," Sir? The hon. Gentleman opposite (Mr. Cavendish Bentinck), who says "No," and who speaks 300 times in a Session, and who tells us the same thing a thousand times, will not hear a statement—an important statement, bearing upon an important question which has never yet been submitted to the House. On the Royal Commission were two men who are no longer in this world. One was the Rev. Professor Maurice, and during the six months that I sat upon the Commission with him, I could never learn from him, until the evidence was concluded, what were his opinions. He was reticent, cautious, impartial to the utmost degree. He was a model Royal

Commissioner. At the close of the evidence he wrote to me, and enclosed a memorandum, which he described as some "Hints respectfully submitted to the Commission." He wished to have my opinion as to the expediency of sending the paper round to each of the Royal Commissioners. If the Committee will allow me, I will read a portion of them, for they are better than anything I can say to the House. After having summed up the allegations and opinions of the two opposing parties, he says—

> "I can perceive nothing in our evidence to shake the opinion which I should naturally form from the reading of the Acts, and which has been assumed in some of our latest testimonies — namely, those of Dr. Balfour and Dr. Armstrong about them—that they were intended to affect the health of our Army and Navy, and if to affect their health, of course in the way which the opponents of the Acts suppose. I do not ask anyone who thinks that a moral object, to abandon his opinion. I am not anxious to deny that it is better for the men to consort with healthy women than with unhealthy. But I must say distinctly that the objection to base any legislative measure upon such a consideration as this, appears to me a sound and reasonable objection ; not a 'prejudice' like those which I maintained that we ought to defy, but a 'conviction' which a Legislature cannot defy without putting itself into hostility with the conscience of the nation. It seems to me that every argument in favour of the Acts, however well sustained, which is grounded upon the improved condition of the Army and Navy, tends to weaken the case in favour of them, to deepen the protest against them, to make it invincible. All this has nothing whatever to do with the theory that syphilis is a punishment for sin, and ought not, therefore, by all possible means to be uprooted. That doctrine I reject as distinctly immoral. Speaking as a divine, I should affirm it to be utterly at variance with the example of Christ, who, if we accept the testimony of the Gospels, healed sicknesses without reference to their moral causes, and made the cure of them an instrument of raising the moral standard of those who received it. I dismiss all reasonings of that kind as worse than worthless. And so far from desiring the Legislature to take any measures for the punishment or the cure of fornication, I should, as a moralist, beseech them by all the precedents of the past, as well as by the most sacred principles, to abstain from any rash intrusion into a region in which their efforts have always been mischievous. But it is quite another question whether they should establish a system of which the apparent object—that which strikes everyone who looks at their own statements as 'the' object—'is to provide fit subjects for fornication.' To do that, it seems to me, is, as the repealers affirm, to degrade the relation between the sexes—to make an anomaly into a law."

["Oh, oh!"] Hon. Gentlemen may object to that; but the writer of these words has been immortalized by our greatest living poet, in respect of his power to resist popular clamour, even if the clamour arose in the House of Commons. He adds—

> "Again, the evidence of the police is clear as to the ambiguous character of the voluntary submission—as to the perplexity which they feel between their office as servants of the law, and that which is so desirable in itself, so out of place in them, as advisers to the women. There seems to be an equivocation in all this part of the Acts which make them more and more difficult to work. The English people may swallow any amount of theoretical inconsistencies ; this is one which will be always thrusting itself before them in practice."

There was another hon. Member on the Commission, who entered it as a Vice President of the Society for the perpetuation of these Acts. I allude to my Friend, the late Mr. Charles Buxton. He heard the evidence to its close, and then he closed his connection with the Society which favoured the continuance of the Acts, and sent in a most energetic protest against their further maintenance. He also put on record a protest of his own, showing that so far from the Acts having done what was boasted of them, they had been an utter failure, and that voluntary hospitals had done more before the Acts were introduced than had been done since. There has been a great deal of medical testimony quoted on the subject, but what are the facts? The right hon. Baronet (Sir John Pakington) has moved for a Return of the opinions of medical men who are opposed to the repeal of the Acts, but there are 1,200 medical men on the other side of the question, and the names of such medical men could have been obtained in thousands, if the advocates of repeal had thought it would be of any effect. The truth is, medical opinion is divided. The profession is, above all others, worthy of praise for its self-sacrifice and its efforts to relieve the wretched; but they believe in the omnipotence of their science ; and in their anxiety to cure, they in some cases set aside all other considerations. But let me ask whether it is a mere accident that these Acts are administered by the Minister of War and the First Lord of the Admiralty? Is it not, as Professor Maurice said, that these Acts were designed to provide fit subjects for fornication for the Army and Navy. ["Oh, oh!" *and* "Divide!"] Let me refer the hon. Gentlemen opposite, who are so anxious to divide, to the words of Baron Stöffel, in his last address to the French people. He said—

> "What should have been done was to think of that popular instruction which is universal among our neighbours beyond the Rhine, and which, at least as much as her military organization, is a source of strength to Germany. An attempt should have been made to heal those two sores which eat into the vitals of our people—the prolonged celibacy of soldiers and the legal prostitution of women."

If we had never had a celibate Army we should never have heard of these Acts. I would go as far as any hon. Gentleman—perhaps further—to promote Lock hospitals in every city and town of England. These Acts touch only the fringe of the evil. They do absolutely nothing to mend it, and they are the chief obstacle to a more general effective dealing with it. How is it the statistics show a decrease of prostitutes in the subjected districts? Canon Gregory, a Member of the Committee, moved for the insertion of a clause, which showed that 17,000 women had been examined, and nearly 4,000 had been driven away from the places of examination, probably because they were diseased. The simple effect would be, presuming the supposition accurate, that they would carry disease elsewhere. The Acts, too, only touch certain ports, and they are thus disseminating instead of diminishing the disease. Not only so, but suppose to-morrow all the women in Portsmouth and Plymouth were made perfectly healthy, the next ship that came into port might fill the hospital with disease. If the object were really to stop the disease, the Acts must be extended to the men. The test that a women is a fit subject to come under the Acts is that she is seen soliciting, or that she is seen entering a brothel with a man. Let men be treated in the same way; extend the Acts to every class of the community, and then see how long they will last. The Secretary of the Association for extending the Acts gave some remarkable evidence. His words were not actually recorded, but he stated very plainly his opinions on the matter. He spoke of women, not of the lower class; he spoke of "women—'lady women'—who associated with Peers and Members of Parliament." I believe, by the decision of the Royal Commission, these words were struck out. But if you treat all women alike, treat all men alike; and my convictiou is that, whatever your laws may be, you will soon bring them to a practical conclusion, and we shall have an end put to the existing state of things. The law sets forth this doctrine—that no young man can be chaste, and that unchastity is a necessity. The Legislature in this respect is like the sanctimonious pirate in *Measure for Measure*, who "went to sea with the Ten Commandments, but scraped one out of the Table. The least that should have been done was to suspend compulsory examination in accordance with the recommendation of the Commission, so that the country should no longer be scandalized by the continuance of the Acts.

MR. M'LAREN: I wish to say a few words with respect to the opinion of that part of the country with which I am connected. A number of Petitions on the subject have been presented by me, and the point I wish to impress upon the Committee is this—that the sentiments expressed by the country in a matter of this kind are of far more importance, and should have far more weight with us, than any individual opinion on the subject. In the first place, then, I presented a Petition from the inhabitants of Edinburgh, got up by the Working Men's Committee, which says—

> "These Acts are immoral in tendency, partial and tyrannical in operation, delusive in profession, and irreligious in principle, and we emphatically pray for their unconditional repeal."

I have also presented a Petition, signed by the women of Edinburgh, which says—

> "They view with alarm and distress the continued operation of these Acts. They consider them unjust, partial, and dangerous to public health, morality, safety, and liberty, and that the Acts stamp perpetual degradation on those who suffer under them."

A Petition from the Kirk Session of the Free Church, Roslin, says—

> "They have formed the unanimous judgment that the principle of these Acts is contrary to the law of God and to the spirit of English legislation, and that their operation has been pernicious to society."

The Free High Church Kirk Session says—

> "They have come to the solemn and unanimous judgment that the principle of these Acts is contrary to the law of God, and repugnant to the spirit of British legislation, and that their operation is disastrous to society."

The Deacons' Court of the Free Church, Kiberry, say they—

> "Have come to the solemn conclusion that the principle of these Acts is contrary to the law of God, and repugnant to the spirit of British legislation."

A Petition from the Greenhill district—

> "Regards them as most injurious to public morals, and fitted to exert a steadily increasing influence for evil the longer they are in operation."

This district is one of the largest suburbs of the City of Edinburgh. A Professor of the University, and a member of the Chamber of Commerce took the Petition round, and some idea of its character may be gained from the fact that none of the houses in the district let for less than £80 per annum. I have also presented a Petition from three clergymen and other inhabitants of the parish of Old Headingly, Oxfordshire, who say—

> "They are injurious to the interests of both sexes alike, inasmuch as they profess to guarantee safety to the one in immoral practices, by the degradation of the other. That this legislation gives sin a sanction and protection which hopelessly blurs the line between right and wrong, thereby exercising a most baneful influence on the character of this and future generations."

Other Petitions from Edinburgh, signed by 521 persons, after condemning the existing Acts, and calling for their repeal—

> "Pray that no future measures may be permitted to pass which shall be of the character of these Acts, in making regulations for the results of vice, and thereby giving a sanction to immorality; and that in any future measure bearing on this subject, strict impartiality may be maintained in regard to the sexes."

I should have concluded with this, but for the remarks of the hon. Member for Colchester (Dr. Brewer) in respect to the Petition he has presented to the House. I was requested by Mr. Cooper, the Secretary of the Rescue Society, and by Mr. Williams, one of the Committee, to get a copy of that Petition, and to mark all the signatures signed by a cross. I resolved to copy it myself, and occupied many hours in the work. I found that a large proportion of the signatures were all in one handwriting, with a cross attached. I saw the writing was that of an educated man; it was an excellent hand. I gave the information to Mr. Cooper and Mr. Williams, who resolved to ascertain how every signature was obtained, and to find out what had induced the Petitioners to sign. They went to Colchester, and found that the person who had got up the Petition was a surgeon, the deputy of the Minister for War; the Petition was got up in the examining-room; it was presented as if it was part of the treatment, and those who could not write, signed with a cross; so that this Petition was got up solely at the instance, and chiefly in the handwriting, of the medical man, whose duty was simply to cure disease, and not to engage in——[*Interruption.*] We have the great majority of the Commission in our favour; we have had a Bill from the Cabinet laid on the Table providing for the repeal of these worse than bad parts of bad Acts, and yet nothing has been done. Now, I have been surprised to meet hon. Members who do not know that the worst part of these Acts was not the doing of Parliament at all. It is the doing solely of the right hon. Gentlemen the Secretary of State for War and the First Lord of the Admiralty; and they could repeal that to-morrow if they chose. They made an intimation requiring that cruel Act to be passed, and it was done at their instance alone. I have only one word more to add. I think it right to say that I do not agree with the hon. Member for Manchester (Mr. Jacob Bright) in saying that the Government Bill was laid on the Table by the Home Secretary for electioneering purposes, but I should have been very glad to have seen it passed into law.

Question put.

The Committee *divided:*—Ayes 74; Noes 140: Majority 66.

Lord ELCHO said, that although the subject of Control had been brought very clearly before the House a few nights ago by the hon. and gallant Gentleman the Member for Hereford (Major Arbuthnot), he wished to make one or two remarks with regard to it. His Royal Highness the Duke of Cambridge recommended in his Report upon the Autumn Manœuvres last year that the system of regimental transport should be adopted in future; the horses used for that purpose to be in excess of the establishment cavalry horses of the regiment, and he wished to know whether it was intended to carry out that recommendation? He hoped, further, that the remarks of the hon. and gallant Gentleman on the subject of Control would be carefully considered by Her Majesty's Government, and wished to be informed by the right hon. and gallant Gentleman at the head of the Control Department, whether the suggestions of his hon. and gallant Friend, or the plan of Deputy Controller Robinson for an improvement in the system would be adopted? He ventured further to ask the right hon. Gentleman the Secretary of State for War, with reference to a question that had been raised by his hon. and gallant Friend the Member for Abingdon (Colonel C. Lindsay), whether it was intended this year to adhere to the plan of providing that out of the 140,000 Volunteers existing in the country, only the small number of 4,000 should take part in the Manœuvres, such Volunteers to remain in camp during the whole 14 days over which the operation would extend?

MR. CARDWELL thought an answer to the last question of the noble Lord would be out of Order upon the present Vote.

MAJOR ARBUTHNOT regretted that he had not been able to bring this question of Control forward earlier in the Session, but undertook either to bring it forward earlier next year, or to support any other hon. Member who would take the subject off his hands. They had heard of Reports from the generals in favour of the department. He wished to know whether those Reports could not be laid upon the Table *in extenso*, and not merely extracts from them? They had been told that the Control department had effected an economy. But what was the use of small screwings and cheese-parings, by which every member of the Army was disagreeably affected, except, perhaps, those connected with the department itself? What was the use of savings made by driving hard bargains with the colonists, who ought to be left in a satisfied frame of mind? Credit had been taken by the right hon. and gallant Gentleman the Surveyor General of Ordnance for organizing the department upon the recommendations of Lord Strathnairn's Committee; but he could only ask hon. Gentlemento read the Report of that Committee and compare with it the Warrants issued by the department, and they would see for themselves whether that was really the case or not.

MR. MELLOR complained of the charges for conveying soldiers by railway being greatly in excess of those paid by ordinary passengers and civilians, and said that unless a satisfactory explanation were given on that head he would move a reduction of the Vote.

SIR HENRY STORKS said, in answer to the noble Lord the Member for Haddingtonshire, that a system of regimental transport had been organized for the Autumn Manœuvres. Much misapprehension had existed in reference to the real position of Control officers. One of the great defects of the English system of administration had been the undefined nature of the duties and responsibilities of officers. The great object of the department, therefore, had been to define duties and fix responsibility, and it had also been sought to assimilate home commands to foreign commands. It had been thought better that the general officer should have to do with one officer in regard to all supply services. Supposing they sent an expedition abroad, all the stores, of whatever character, should be consigned to one officer, who was in communication with the general in command. The more he had studied the question, the more, therefore, was he convinced that the stores should be placed in the hands of one responsible officer. As to the high charges made by the railways, the department had been incommunication with the companies, and, he was sorry to say, with little effect; but the whole question had been brought before the Select Committee of both Houses which was now sitting, and he hoped that a more satisfactory arrangement would be come to in respect to the transport of soldiers by rail.

MR. MELLOR wanted to know why soldiers were made to pay higher fares than civilians? It was a monstrous thing that a soldier should in some cases have to pay £1 1*s.* 3*d.*, while the charge to a civilian would only be 14*s.* 4*d.*

MR. CARDWELL said, he also wanted to know the reason why, and the Select Committee of which the President of the Board of Trade was Chairman also took pains to ascertain it. The reason of their not being able to get them reduced was that, owing to the Act of 1844, railways had the right to charge what they liked, and it was impossible for the Government to interfere with the rights of property. Their only hope was that justice would be done to the soldier after the Commission of Inquiry had terminated its labours.

MAJOR GENERAL SIR PERCY HERBERT said, that the Controller under the present Regulations was not in the same position as any other officer in the Army. The Regulations were such that the Controller was to receive his orders personally from the general, and no other officer, whatever his rank or his branch of the service, could say to the general—"Here are the Regulations, and I do not choose to receive orders except from you personally." The Controller was in the position of commanding a very large number of men—of commanding, in fact, the whole transport of the Army, and it was exceedingly important that he should be placed on the same footing as to orders as other officers commanding a large body of men. A lieutenant-general, commanding, it might be, a *corps d'armée* of 25,000 men, was obliged to receive his orders as they reached him, whether by word of mouth from the general, in writing from the quartermaster or adjutant-general, or, it might be, through one of the aides-de-camp. Nor would it be possible to carry on military operations on any other footing. But the Controller, it seemed, was to take his orders from the general personally, and was, further, to consult with him; and accordingly was to be in a different position from any other officer in the service. It was idle to talk of carrying on war and in the same breath of relieving the general of responsibility. The general must be responsible for everything. In taking away his responsibility, therefore, they would be taking away the power necessary in his position.

SIR HENRY STORKS said, he was afraid he had explained very badly what he meant. He and his hon. and gallant Friend knew well that, according to the practice in garrison commands, the adjutant and quartermaster-general waited upon the general commanding with their papers, went over them with him, and took his instructions. The Government claimed for the Control officer that he should equally have access to the general commanding the district. When a decision was given by the general which it was necessary to put into general orders, the Control officer would go to the adjutant-general and ask him to let this appear. We had not yet got to the wholesome system of a Chief of the Staff; but if such an officer were appointed the Controller would, of course, be bound to take instructions from him, as the *alter ego*, so to say, of the general. His notion was, that a general officer commanding an Army, being about to attack the enemy, would naturally send for his Chief of the Staff and his Controller. To the first he would say—"I am going to attack the enemy's right flank to-morrow, and I want to be strong in artillery on such a point." To the Controller he would say—"Can you supply the necessary stores and appliances?" Having taken these measures, the general officer ought to have no more trouble about the matter.

LORD ELCHO asked, whether there were to be any Chiefs of the Staff at the approaching Autumn Manœuvres?

SIR HENRY STORKS said, he was not in a position to give an answer upon that point yet.

LORD ELCHO understood, at any rate, that the Chief of the Staff, if appointed, would be superior in position to the Controller, who would be bound to take his orders from him. [SIR HENRY STORKS: Certainly.] He also inquired whether anything had been decided as to the question of sea-transport, whether it was to remain in the hands of the Admiralty, or was practically to be broken up?

LORD EUSTACE CECIL hoped that great attention would be paid to the education of civilians who were to be appointed to positions of trust and influence in the Army. It was necessary to look for some assurance on this point, for he understood that recently men had been selected for positions which might have imperilled the safety of a whole Army, and who yet, it was found, were not even able to ride, a most important qualification, in his (Lord Eustace Cecil's) opinion, for Control officers in the field. There was a great deal of complaint amongst the Controllers themselves with reference to their undefined position, and that they were between two stools—that was to say, between the Horse Guards and the War Office, with respect to orders.

MAJOR GENERAL SIR PERCY HERBERT said, it was a cardinal error to suppose that a Chief of the Staff, called by that or any other name, could relieve the general officer from responsibility. In an emergency he would always be his own Chief of the Staff.

SIR HENRY STORKS said, there was no difficulty in obtaining orders.

There was no difference between the Horse Guards and the War Office—the former being only a department of the latter. The same facility would hold good in the case of district commands. Officers would take orders, no matter how they were conveyed, whether by post or telegraph, if issued by the competent authority.

MAJOR ARBUTHNOT said, it had been argued that the Control department was so defective that if let alone it would break down, and that it would be better to let it fall to pieces rather than show its defects by bolstering it up. This, however, would be a very unpatriotic course.

Original Question put, and *agreed to.*

(3.) £1,784,300, Provisions, Forage, &c.

COLONEL BARTTELOT asked whether the rise in the price of coal and other material had been taken into account?

SIR HENRY STORKS: Yes; a sum of £53,796 has been taken for that reason in the Vote.

Vote *agreed to.*

(4.) £751,700, Clothing Establishments, Services, and Supplies.

(5.) £1,195,800, Warlike and other Stores.

COLONEL BARTTELOT protested against delaying these important Votes to the third week in July, when hon. Members were tired out by the work of the Session. He remarked that the amount required for warlike stores had fluctuated considerably during the last few years. In 1869, for instance, £8,000 was put down for gunpowder, and in 1870 £5,000; but in 1871 £155,000 was asked for, and in 1872 £66,000. It was evident from this that the supply had not been kept up, and that a larger stock had been gathered together in a time of panic at increased cost. He asked whether a more uniform system was now being adopted?

SIR HENRY STORKS said, the manufacture of gunpowder had been stopped to some extent in the year referred to, owing to the fact that scientific opinion upon gunpowder was at that period very unsettled. More decided conclusions had since been come to, and the supply had been kept up. Much of the recent increase had been occasioned by the manufacture of a fine-grained powder for the Martini-Henry cartridge. This powder would, however, shortly be manufactured by the Government.

LORD ELCHO also concurred in the protest against delaying these important Votes until the close of the Session; and submitting that it was evident the gun of the future would be heavier than the 25-ton gun tried against the *Glatton*, asked a series of questions with reference to the 35-ton "Woolwich Infant." In the first place, he wished to know how many such guns had been made, how many had stood the trial, at what round and at what charge had any failed, how many rounds and what were the charges fired from those that did not fail, and how many rounds were fired before the 35-ton gun had been adopted? secondly, whether the system of rifling was approved, had the head of the Government Department reported that he could not adopt the spiral of 1 inch in 25 necessary to ensure efficiency, in consequence of the shearing off of the bronze rifling studs? and, lastly, the cost of a 35-ton gun? He should also like to know whether the Government were aware that the Russian Government had constructed a shield capable of resisting a 1,000 lb shot?

SIR HENRY STORKS said, he was unable to answer all these questions offhand, but would do his best. The only 35-ton gun yet tested was one which was designed for the naval service. It had fired in all 73 rounds, with charges varying from 75 lb to 130 lbs of pebble powder. After the 68th round, a slight crack was found in one of the grooves. Five more rounds, however, were fired, and the result was satisfactory, for it was found that the crack did not extend. The result was a conclusive proof of the great strength of the system of construction. Some changes might be made in that system with a view to obtain a further development of power; but enough had been done to show that this 35-ton naval gun was the most powerful in the world. The system of rifling adopted was what was called the "Woolwich system," and he had not received any report as to the impossibility of getting a spiral of 1 inch in 25, or with regard to any injuries done to the rifling. The cost of the gun was—for wrought iron, £2,200; carriage, £220; platform, without gear, £318; 100 rounds of ammunition, £700; miscellaneous, £150; so that the cost of the gun complete was £3,588.

Lord ELCHO said, he believed the system of construction on the whole to be good, but the question was, whether the system of rifling would stand the wear and tear to which it would be subjected. Now, he knew that intelligent mechanics had grave doubts on this point. Though only one of these guns had been tested in the test-house, two had been fired, the second having only fired two shots. With regard to the first, he wished to know with what charge of powder the gun was loaded after the discovery that it was cracked? What number of battering charges was it supposed to be able to stand? Were the further trials with the battering charges, or with the reduced charges? According to his information, the gun had split in nine out of a total of ten grooves in the A or inner steel tube, and it had failed when fired with the first full battering charge. The condition of the manufacture of these guns was that the normal charge should be 115lbs of powder and a 700lb projectile; and supposing his information to be correct—that the latter charges were made with reduced quantities of powder —he submitted that the gun had not fulfilled the conditions which had been thus laid down. He spoke in no spirit of cavilling, but from a wish to save public money, and get the best gun for the public service. He hoped, therefore, that the War Office would institute a full inquiry into this matter, and not be guided solely by what might be said by the parents of this adopted child. It had no right to be called the "Woolwich system" of rifling. It was really a French system, known among experts as "Nobody's child." Another point to which he would direct attention related to our forts and shields designed to resist penetration from heavy artillery. Some years ago it was pointed out that our shields were constructed by engineer officers of little experience in the working of iron and the best form of constructing iron shields. The Government of the day ordered the experiment to be tried on a section of what was called the "Plymouth Shield"—that was, a section of the fort which was to be erected at Plymouth. The result was that the shield was, to use a vulgar expression, blown "to smithereens;" but another shield known as the "Millwall Shield" stood the test and was not injured. [The noble Lord here exhibited to the Committee photographs showing the different effects of the fire on the two shields.] In the one case any person who stood behind the shield would have been blown to pieces; in the other the shield was not penetrated at all. But, instead of adopting the principle of the Millwall Shield, those forts which we were erecting at great expense —whether at Plymouth, Gibraltar, or Bermuda—were to be armed with shields constructed on a principle which had signally failed.

Mr. CARDWELL said, that if subjects of this kind were to be discussed, and he was expected to deliver an opinion upon them, he must ask that some Notice might be given him beforehand. He had heard a great deal about the system of backing shields which the noble Lord so highly approved, and all he could say was that the matter had been considered by some most competent men. With regard to the "Woolwich Infant," as it was what was called in law *filius nullius*, there was not likely to be any prejudice in its favour. He had hitherto supported the "Woolwich system," because he found it to be, in the opinion of the most competent judges, a success. These gentlemen told him that the Woolwich system was at once the cheapest and most efficient, and he would not be prepared to substitute for it some other until that other system was proved to be either the more economical or the more efficient. If, however, all he was asked to do was to look into this and other matters, he would be most happy to do so to the best of his ability; but in looking into these things, it was his duty to be guided by the advice of responsible men. If he were once to give way to the representations of inventors, everyone of whom was full of the merits of his own inventions—while he had no charity for the inventions of anybody else—both efficiency and economy would be lost.

Colonel BARTTELOT inquired, with regard to the Martini-Henry rifle, whether the new plant had been set up at Enfield, and, if so, how many of these weapons had been manufactured; whether any regiment had been armed with them; and, as the right hon. Gentleman had stated on a previous occasion that he was about to follow the recommendations of the Committee, whether he was still of opinion that a short Martini-Henry rifle with a sword-bayonet was better than a long Martini-Henry with the ordinary bayonet?

LORD EUSTACE CECIL inquired when the whole of the Regular forces was likely to be armed with the Martini-Henry rifle?

SIR HENRY STORKS replied that no regiment had as yet been armed with the Martini-Henry. The plant at Enfield had been altered, and it was proposed this year to make 62,000 Martini-Henry rifles. With regard to the bayonet question, the length of the Martini-Henry would be the same as that recommended by the Committee of which the noble Lord (Lord Elcho) was a Member. There were to be further trials of the sword-bayonet and of the ordinary bayonet, and in the course of the year the authorities would decide which should be adopted.

LORD ELCHO remarked that the rifle to which his right hon. and gallant Friend referred was not shorter than that used by the Rifle Brigade. It was an immense thing to be able to take away so much of the weight. What the Committee tried to do was to make the rifle as effective and as light as possible. It was also most important that instead of having different kinds of rifles we should have but one. About the sword-bayonet, Lord Sandhurst, among others, had expressed himself favourable to its use. The advantage of it was that it was one of the best possible choppers. He took it down with him to the country and put it into the hands of a woodcutter, and this new instrument, which he had never tried before, the man was able to use as effectually as his own bill.

COLONEL BARTTELOT observed that a man might fire with the ordinary bayonet fixed to the rifle, but he could not with the sword-bayonet, because it would be so heavy as to depress the point of the weapon.

MR. MUNTZ asked how it was that the great military nations of Europe would not use this sword-bayonet, but looked upon it with contempt? But now it appeared that we were to have a rifle which was to be six inches shorter, and the difference was to be made up for by a bayonet six inches longer. He fully sympathized with the remarks that had been made about discussing such questions in a House like that. While this subject was under debate there were exactly 11 hon. Members on that and 10 on the opposite side of the House, thus giving the Government a majority of 1. These Estimates ought to have been laid before the House earlier in the Session. There had been a steady increase in this Vote of which he complained, and he suggested that all Government manufactures should be carried on, and balance sheets produced, so as to show the actual cost of the articles made, and that the Government should advance capital to each manufacturing establishment at 3½ per cent, in order to ascertain the results of this manufacturing system.

LORD ELCHO contended that in case of an encounter with an enemy it would be an advantage to our men that the rifles should be weighted at the end, and he would remind the Committee that the Rifle Brigade used the sword-bayonet.

MR. RYLANDS said, the Prime Minister, during his canvass of the electors in South Lancashire, complained that the right hon. Gentleman the Member for Droitwich, who was then Secretary for War, wasted a great deal of the public money by hastily adopting inventions with reference to armaments which proved to be worthless; but the present Secretary of State for War was doing the same thing. Last year he (Mr. Rylands) suggested that the Vote under this head should be reduced by £500,000, and he was glad to find that the Vote now proposed by the right hon. Gentleman was £600,000 less than that of last year. He hoped the Surveyor General of Ordnance would ascertain what was the cost per man with reference to warlike stores in the Continental Armies. He had reason to believe that in the German Army, which was well appointed and second to none in Europe, the cost upon warlike stores per man was less than in this country. He believed the German Army purchased its warlike stores to a greater extent than we did, and that it manufactured warlike stores only to a limited extent. This matter, he thought, deserved the very serious consideration of the Government. He would not propose a reduction of the

Vote, but he hoped that next year the Vote would not exceed that which was proposed for 1870-1.

Vote *agreed to.*

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £855,000, be granted to Her Majesty, to defray the Charge for Superintending Establishment of and Expenditure for Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."

Colonel C. LINDSAY said, that he had intended to call attention to the condition of Fermoy Barracks, respecting which he had received particulars from the commanding officer of the regiment stationed there; but he had received an assurance from the Surveyor General that preliminary arrangements had been made, and that sanitary repairs would be commenced at once. Having gained his object, he (Colonel C. Lindsay) did not feel called on to carry out his intention.

Sir HENRY STORKS said, he had given such an assurance; but it would have been better had the commanding officer referred to addressed his representations to the War Office rather than to the hon. and gallant Gentleman.

Captain TRENCH asked whether the barrack site at Galway was to be utilized? It was purchased prior to the Crimean War, in consideration of the inferior existing barrack accommodation and the claims of Galway to be a garrison town, and much expense was incurred in levelling and preparing it for building; but the war necessitating expenditure in other directions, nothing had since been done. The Midland Great Western Railway Company was obliged to make a costly detour in order to avoid the site, and in the course of legal proceedings taken by the Company to relieve themselves from that expense it was stated by the officer responsible for the Ordnance Department in Ireland that the barracks were to be erected immediately. Excuses had been offered for the non-use of the site, but he believed they had little validity. There was a strong feeling in Galway that this site had been used by the Government for a purpose for which it was not originally intended. The expense which had been entailed upon the railway company by their being compelled to make this diversion had been very large, they having had to expend no less than £30,000 upon a bridge to enable them to make the diversion. Now that the Army Organization Bill was about to be discussed in Committee, he trusted that the claims of Galway in this matter would be taken into consideration.

Lord EUSTACE CECIL, in moving that the Vote for the fortifications at Bermuda should be reduced by £20,000, and that for St. Helena by £1,000, said the former was one of the most unnecessarily expensive fortifications which we possessed. Although it was almost the smallest of our naval stations, St. Helena, with an area of 47 square miles and a population of 6,860, cost £54,624 annually; the Mauritius, with an area of 708 square miles and a population of 322,917, £122,149; Ceylon, with an area of 24,454 and a population of 2,096,777, £35,845; Heligoland, with an area of 5¼ square miles and a population of 2,172, £1,166; while Bermuda, with an area of 24 square miles and a population of 11,796, cost £163,935. That was the expense in 1867-8, and he had no reason to believe that there had been any falling off in 1871-2. Indeed, Bermuda was, with a single exception, the only fortification for which the House was that night asked to vote more money. He contended that, instead of the permanent fortifications that were being erected at an enormous cost on that island, all that was required were sufficient temporary defences to protect the harbour of refuge for our fleet in case of disasters, for it was a grave question whether Bermuda could be properly provisioned in time to hold out against a hostile fleet, supposing one to exist. There was Vancouver's Island, on the other side of the Pacific, on the coast of America. It would be necessary that it should be equally defended with Bermuda in case of war. He was therefore at a loss to understand why so much money should be expended on the fortifications of Bermuda. The time had gone by when it was necessary to keep up such Sebastopols or Gibraltars; and, as he understood, those fortifications now being carried on at Bermuda were constructed more to meet an invasion by land than as a protection for the harbour. In his opinion, a well-organized system of gunboats and torpedoes would be all that was necessary there. The expenses now going on for many years on those permanent works were so much money thrown into the sea, for if it were surrounded by a hostile fleet it could not hold out for a month. Labour in the construction of those works was employed largely and paid too highly at Bermuda. Half of that labour was done by Blacks. He thought that such labour might be dispensed with altogether, or it could be done cheaper by an importation of coolies, or the employment of more soldiers. He would remind them of the £1,000,000 that was uselessly expended on the fortifications of Alderney. With all due respect to the engineering department, it appeared to him that there was a great disposition to extravagance in the construction of these works, and it would be, in his opinion, wise to appoint a Commission of Inquiry, to be composed not only of engineer officers, but also of certain civilians known to be good practical men. He wished to refer not only to Bermuda, but to many of our other fortifications. The sum taken this year for St. Helena was small—namely, £1,000; but it was to the principle of the thing that he mainly objected, for he could not understand why St. Helena should be now maintained as a great fortress, having no trade to defend there. The case was, of course, different when we had the conqueror of the world immured in that island. There was really no necessity for any of those fortifications, and he considered the money expended on them as so much thrown away. Perhaps he might be told that the cost of the works at Bermuda was only about £500,000, and that they had proceeded so far that it was absolutely necessary to complete them. The soundness of that argument, however, he entirely disputed. He held that in public as in private matters, if their predecessors had begun a costly work of folly, that was no reason why they should waste any more money in continuing it. They had already spent £279,000 at Bermuda, and the further sum required to complete the works was £146,000. He wished to see that latter sum saved and applied to some useful purpose. As far as those fortifications were concerned, they had already done enough; and the execution of those works out of Imperial funds was a great mistake. The noble Lord concluded by moving that the Vote be reduced by £21,000; or for Bermuda by £20,000, and for St. Helena by £1,000.

Motion made, and Question proposed,

"That a sum, not exceeding £834,000, be granted to Her Majesty, to defray the Charge for Superintending Establishment of and Expenditure for Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment from the 1st day of April 1872 to the 31st day of March 1873, inclusive."—(*Lord Eustace Cecil.*)

MR. A. GUEST said, he had to make a complaint in regard to Gibraltar which was quite of an opposite character to that just made by the noble Lord. He had complained last year—and he now complained again — of the temporary character of the works carried out at Gibraltar, by which he contended that a great amount of public money must be utterly thrown away. According to the latest Return before him it appeared that there were 90 9-inch guns and 11 10-inch guns at Gibraltar, only a very small portion of which were mounted. Not one of the 10-inch guns at that moment was in position, although they were put there to repel the attacks of armour-clad vessels. He was also informed that scarcely one of the 9-inch guns could be effectively used, and that so far from their being able to repel the attack of armour-clad vessels they would be more likely to do damage to the surrounding works. They were all placed in a temporary position, where they could prove of no earthly use to the place in case of a hostile attack. Now, he should like to know why these guns were mounted in a temporary position? He understood, in fact, that Gibraltar was now absolutely assailable from the east side, and he was very anxious to hear the statement of the right hon. Gentleman on the subject, and also whether the shields for the batteries had been sent out, and of what description they were? As to the new batteries which were being constructed at Gibraltar, he inquired whether it was true that a plan had been adopted, not of blasting the battery out of the rock, but of building it upon the rock? He had noticed at Gibraltar that the shields to the batteries were placed too close to the edge of the parapet, so that a shot striking underneath would undermine them. These distant places could not be properly fortified by a Committee sitting in London unless the local officers were consulted, and at Gibraltar several costly batteries might be seen which had been abandoned, Sir JOHN PAKINGTON said, he was glad the hon. Gentleman had again called attention to the fortifications at Gibraltar. The right hon. Gentleman opposite would probably give the answer to which he (Sir John Pakington) was getting accustomed—"Why didn't you do it when in office?" to which his rejoinder must be, that he was not allowed time. He hoped the right hon. Gentleman would clearly and succinctly state to the Committee what progress had been made in the fortifications of Gibraltar during the past year, and what works were now going on there?

Mr. MACFIE suggested that if a Commission was sent to inquire into the defences of foreign stations, it should include, like the Commission which negotiated the Treaty of Washington, a representative of the colonies, this question being an Imperial one.

Sir HENRY STORKS said, that without he had the chart of the Bermuda Fortifications before him it would not be possible to follow the noble Lord in all the details of his speech; but he would inform the Committee, as shortly as possible, of what had been done. The noble Lord had referred to a variety of places —St. Helena, Mauritius, Bermuda, and others situated in mid-ocean. Now they were essentially necessary to a great maritime power like England, having a large and wide-spread commerce to protect; for that protection could not be effectually given if we had not places at which our ships could coal and refit. They were virtually coaling stations, which it would be the duty of every officer in command to hold as long as possible, in case of war, because he would, of course, have the hope of being relieved. As regards Bermuda, it must be held by the nation that had the sovereignty of the seas. It must be defended by proper fortifications; and he ventured to think that those now being erected were of the strength and character required. There was no intention to raise land defences for the protection of the inhabitants of the island; our object simply was to defend the dockyards where the ships refitted and coaled. There was also a perfect system of torpedo defence, and he believed that in 1874, when the works would be completed and the armaments sent out to them, Bermuda would be as nearly impregnable as a place of this description could be. As to Vancouver's Island, its geographical position was very different from that of Bermuda, which was on the high road to America, and where our fleets would have to repair for protection and refitting in case of war. There was no intention of building great Sebastopols, but simply of having places of refuge for our ships, and of holding these stations as long as possible. As to the labour employed at Bermuda, 400 soldiers were engaged on the fortifications. It was impossible to have a large garrison there, the barrack accommodation being limited. Only 221 civilians were employed; but the labour question was obviously a difficult one at Bermuda, the climate and the tendency to yellow fever impeding the work at certain periods of the year. The noble Lord suggested that a Commission of Inquiry should be sent out; but he thought that if the noble Lord reconsidered the subject he would come to the conclusion with him that it was a great object to carry out the fortifications at Bermuda as now settled. With regard to Gibraltar, the hon. Member for Poole (Mr. A. Guest) had objected that the sites in which the guns now stood were of a temporary character, but the case as regarded Gibraltar was rather of an exceptional character. Since the Moncrieff carriage came under consideration there was great difficulty in assigning the proper position for the guns under that system; and they were, therefore, placed in position temporarily. The shields, to which reference had been made, were on their way to Gibraltar, and a letter of the 26th of June, written by the Governor of Gibraltar, spoke of the admirable manner in which the Engineers were carrying out the instructions with respect to the new batteries. He would oppose the reduction of the Vote, and he hoped the noble Lord would be satisfied that the wisest policy had been exercised with reference to Bermuda.

Sir JOHN PAKINGTON said, he thought that the statement which they had just heard was much the same as they heard last year, and they were not told how soon the difficulties at Gibraltar would be overcome. He would like a more definite statement as to what the prospects really were of getting the fortress of Gibraltar in the satisfactory state we had a right to expect.

SIR HENRY STORKS said, the real difficulty was about the traversing gear for the guns. The fortifications would be completed as soon as possible.

MAJOR GENERAL SIR PERCY HERBERT said, he felt satisfaction at the manner in which the right hon. and gallant Gentleman had spoken of Bermuda; but he trusted it was not meant that the existing barrack accommodation was to regulate the amount of the garrison there. On account of the deficiency of barrack-room, the garrison was much smaller than was sufficient as a security against a *coup de main.*

SIR HENRY STORKS said, that Government was asking a Vote this year of £5,000 for additional barrack accommodation at Bermuda. The garrison at present numbered 1,800 men.

LORD EUSTACE CECIL had listened with pleasure to what fell from the right hon. and gallant Gentleman with respect to Bermuda. He did not, however, see that the right hon. and gallant Gentleman had met any of his arguments. He wished it to be understood that he did not object to Bermuda being selected upon competent authority as a great station to which the Fleet might go in case of disaster, but his objection to the fortifications there was, that they were of too permanent a character. Fortifications of a more temporary character, together with torpedoes, would be quite sufficient. He had brought forward this Motion as simply a protest against the unnecessary and excessive expenditure on permanent works which was going on.

CAPTAIN BEAUMONT assured the noble Lord that there were no more expensive works than temporary works, and expressed his opinion that the works in question would prove to be a credit to the officers who had constructed them. With regard to the Moncrieff gun-carriage, he begged to suggest, as it was intended for defensive purposes, it ought to be fired at. He had, moreover, recommended some months ago that it should be tested at Gibraltar; but they had never yet had a gun fairly mounted on the Moncrieff principle. A strong hand was required to grapple with the subject, and it was important to know whether there was anything reliable in the system.

MR. F. STANLEY said, he did not intend to take any part in this discussion; but as expressions had been used which seemed to reflect in some degree on the works now going on at Gibraltar, and having had the opportunity recently of inspecting them, he wished to bear his testimony to what was going on there. There were exceptional difficulties in the way of mounting such heavy guns. They were not very easily handled. They had to be brought up to their place with tackle, and fixed to the solid rock. That was not an easy operation, and where the climate was so severe there were unusual difficulties in the way. The right hon. and gallant Gentleman had explained what had been done with regard to the shields. He wished to know whether measures had been taken to meet the defect in the defence of the east side of the Rock as to which a reference had been made to head-quarters at home?

MR. A. GUEST must remind his right hon. and gallant Friend that last year he stated the shields sent out to Gibraltar would be capable of resisting the heaviest artillery. He wished to know how they had been strengthened. He would rather see no shields set up than such as would be useless.

LORD ELCHO wished to draw a moral from the circumstances which had come to light in regard to these fortifications. Two points had been raised. One was as to whether unnecessary works had been carried out at Bermuda, and the other as to the character of the shields which had been erected at Gibraltar. He was not in a position to say anything as to the works of Bermuda; but with respect to the shields at Gibraltar, what he wished economists particularly to look to was the fact that the shields were already required to be strengthened. The way in which things were done was illustrated in the case of some experiments that were carried out recently with a shield constructed by the Government engineer, and another by Mr. Hughes, of Millwall Ironworks, who had since taken up his abode in Russia. The shield constructed by the Engineer officer of the War Office was penetrated; not a bolt stood; whereas in the case of the shield made by the civilian not a single bolt started, and no penetration was effected. The same thing had occurred on another occasion, and the result was the shields were being strengthened, but had it not been for this experiment they would have remained unquestioned by the military authorities. How were they to be strengthened, and by whom? The moral was this—that as long as the Government retained officers whose work was proved to be defective, and trusted them continually to botch and cobble it up, so long should we have a wasteful expenditure. If a man had shown that he could not design effectively, he ought to be removed from office; and the Government ought to insist on bringing the responsibility home to those officers who were entrusted with such important work.

Mr. CARDWELL said, that such generalities as the noble Lord had indulged in were perfectly unnecessary and utterly without value. He had already told the noble Lord that he was familiar with the name of Mr. Hughes, and that some of the most competent men in this country had passed judgment on him. These *ex parte* statements were most unfair. The noble Lord had already asked him to look into these matters, and he had promised to do so, if the noble Lord brought them specifically before him; and if the charges made by the noble Lord were found good, he should be prepared to act upon them. But he was not prepared to accept without inquiry the charges which the noble Lord had brought. The most distinguished men in the country had been engaged on these shields, they had introduced the greatest improvements, and had set an example to civilians. The shields for Gibraltar had been prepared before he had anything to do with the matter; they had relation to the power of the guns at the time, and when the guns increased in power, the strength of the shields also was increased.

Lord ELCHO explained that he never intended to take away from the character of Engineer officers in general, or of the officer in particular to whose work he had called attention. He guarded himself expressly on the point, for he wished to speak of that officer with the greatest respect. However skilful the Engineers might be, it must be borne in mind that the work on which they were engaged was entirely novel.

Mr. CORRY asked for some explanation with respect to the defence of Hong Kong, remarking that in 1870, when Russia made her demand for the abrogation of part of the Treaty of 1856, great alarm prevailed among our people in China?

Captain BEAUMONT said, the noble Lord made an attack upon an officer of Engineers. [Lord Elcho: No, upon his iron shields.] The noble Lord said that the officer in question did not produce a shield equal to that which had been produced by a civilian. But, according to the best judges, the shield designed by a civilian was faulty in principle.

Mr. A. GUEST wished to have an answer to the questions he had already asked—namely, what was the thickness and what the character of the shields sent out to Gibraltar, and whether they had been subjected to any test?

Sir HENRY STORKS said, his hon. Friend ought to have given some Notice of such questions. His hon. Friend having passed a month or two in Gibraltar and heard all the gossip there came down to the House and asked these questions without the slightest Notice. If the hon. Gentleman had given Notice, he should have been most happy to answer the questions.

Mr. A. GUEST observed, that as the subject was important, he was willing to receive any answer that the right hon. and gallant Gentleman might be prepared to give; but he did not think that it was unreasonable that he should ask the questions that he had put without giving any Notice of them.

Sir HENRY STORKS said, that he should be happy then to go into the questions if the Committee thought fit; but he must still say that he thought that he should have had Notice of them.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Lord ELCHO wished to make one remark. [*Cries of* "Too late," "Question," "Chair," and "Hear."]

The CHAIRMAN said the Vote had been already agreed to.

Major General Sir PERCY HERBERT said, his noble Friend (Lord Elcho) had risen before the Vote was finally put.

Lord EUSTACE CECIL confirmed the statement.

The CHAIRMAN repeated that the Vote had been agreed to when the noble Lord rose to speak.

Mr. CARDWELL moved that the Chairman report Progress.

Lord ELCHO wished to enter his protest against the principle laid down by the right hon. and gallant Gentleman (Sir Henry Storks) that Notice should have been given with respect to this great question of the shields. He had sat many years in the House, and had always heard such questions put without Notice, and it was quite expected that the persons whose duty it was should be able to answer them. He wished respectfully to protest against that doctrine.

SIR HENRY STORKS said, every Member of the Government who came down to the House to discuss the Estimates ought to be prepared to answer questions; but he repeated that he wished to answer questions which were put to him on technical subjects in the most accurate manner, and when hon. Members rose up, as his hon. Friend and the noble Lord had done, he should be much obliged if they would give him Notice of their questions, in order that he might reply to them with accuracy.

MR. SPENCER WALPOLE said, it seemed that a Motion had been made and subsequently withdrawn, and he wished to point out that the Chairman was quite right in then putting the substantive Motion as to the Vote to be taken. He thought, however, his noble Friend (Lord Elcho) got up before that Motion was put and challenged it; and it was a matter of considerable importance that after a discussion on an Amendment to a Vote, either for its reduction or any other purpose, an opportunity should be given to hon. Members to express an opinion on the Vote. No doubt the Chairman was entirely misled into supposing that the Vote was not challenged; but in Committee of Supply it was of very considerable importance that when an Amendment was withdrawn the substantive Motion should be again put, and that every hon. Member should have an opportunity of challenging the Vote.

MR. ALDERMAN LUSK said, he did not think fairness had been evinced in the matter, and must express his opinion that the Chairman put the Question as plainly as it could be put before the noble Lord rose in his place. The Committee ought not to display partiality when a noble Lord endeavoured to get a hearing.

MR. O'CONOR said, he distinctly saw the noble Lord standing up before the Question was put from the Chair. The hon. Member for Finsbury (Mr. Alderman Lusk) was therefore entirely in error.

Motion *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

THE COUNTESS OF MAYO.

HER MAJESTY'S MESSAGE CONSIDERED.

Message from Her Majesty [July 19th] *considered* in Committee.

(In the Committee.)

MR. EASTWICK said, that much as he rejoiced at the action taken by Government in this matter, and strongly as he supported the proposal, he regretted that the Motion should have been brought forward without any statement being made by the right hon. Gentleman the First Lord of the Treasury. The right hon. Gentleman said, on a former occasion, that the Government examined all the precedents connected with the case. But it would have been more satisfactory to the Indian and to the English public if he had stated those precedents, in order that everyone might have drawn his own deductions from them. If he had done so, the only doubt which could have remained in anyone's mind would have been, whether the Government had even now gone far enough in the recognition of Lord Mayo's services? In order to repair the omission, he would himself state to the Committee what had been done, in the way of pension, for the families of former Governors General.

In the first place, he wished to call attention to the fact that there was no idea more deeply impressed upon the mind of the Indian people than that of rewarding services to the State by endowing the families of those who rendered them. Under native rule, no man, who had done the State service, thought himself sufficiently rewarded until a Jágir or estate had been assigned to him, which would descend to his family. This custom was so universal that, when we assumed the Government, we were obliged to look into the titles of those grants, and he was bound to say that few things we had ever done had been more unpopular than the resumption of some of them. He would observe, too, that it had always been the custom in

India for men of wealth and rank to make large provision for the ladies of their families. To mention only one instance—the stepmother of the Nuwab Nazim, Mubariku 'd-daulah, had a pension 14 times larger than that first assigned to Lady Mayo. If, therefore, our fellow-Indian subjects reasoned on such matters, they must have thought Lady Mayo's pension inadequate to the occasion. He had further to observe that the custom of endowing the families of distinguished men was continued by native rulers in the case of our own Governors General. It was well known that a Jágir of £30,000 a-year was assigned by the Nuwab Nazim Mir Jafir to the great Lord Clive. But it was, perhaps, not equally well known that the Court of Directors, in 1767, continued this princely income to Clive, and in case of his death to his successors for 10 years. Clive died in 1774, so that his family appeared to have enjoyed £30,000 a-year for at least three years after his death. The next case of endowing the family of a Governor General was that of Lord Cornwallis. Lord Cornwallis finished his first government of India in 1793, and received a pension of £5,000 a-year. He went out for the second time in 1805, and died on the 5th of October in that year, and on the 14th of March in 1806 the Court of Directors granted £40,000 to his family. In January, 1801, the Court of Directors had determined on granting £100,000 to Lord Wellesley, and it was only at his Lordship's express request that this was changed into a pension of £5,000 a-year. But in 1837, besides this pension, the Court gave Lord Wellesley £20,000. In the same year in which Lord Wellesley first got his pension—that was, in 1801—the Indian Government assigned a pension of £4,600 a-year, and a sum of £10,000, to the family of Haji Khalil Khan—a Persian envoy, a man of no high rank or distinction—who had been accidentally killed in an affray near Bombay. In 1819 and 1827 the Court of Directors gave two sums, amounting together to £80,000, to Lord Hastings, which was made over to trustees for the express purpose of purchasing an estate which might descend in the family of his Lordship. The next case was a very remarkable one. It was that of Lord Hardinge, to whom, on the 20th of February, 1846, a pension of £5,000 a-year was assigned, and by the 9 *Vict.*, c. 21, he was allowed to draw this large pension, together with his very large allowances as Governor General. Nor was this all—by the 9 & 10 *Vict.*, c. 31, agrant of £3,000 a-year was made to Lord Hardinge's two next successors. After this, the idea of providing for the family of a Governor General seemed to have slumbered a little. Lord Dalhousie got a pension of £5,000 a-year; but nothing was done for his family. The next case was one which had been referred to by the Prime Minister—namely, that of Lady Elgin. Now, with all respect, he submitted that Lady Elgin's case could not be taken as a fair precedent for that of Lady Mayo. Lord Elgin took his seat on the 12th of January, 1862, and died on the 20th of November, 1863. He was, therefore, less than two years Governor General. Lord Mayo took his seat on the 12th of January, 1869, and died on the 12th of February, 1872, and was, therefore, more than three years Governor General. But, besides this, Lord Elgin's constitution was completely shattered when he became Viceroy, and he died from natural causes, before he had been able to do much to distinguish his career in India. But Lord Mayo was cut off in the very vigour and flush of manhood, after almost unexampled services, and he fell in the discharge of his duty by the hand of an assassin, who might even yet be shown to have been the agent of a fanatical sect, whom Lord Mayo had done so much to repress. Nor let it be thought that Lord Mayo sacrificed a too precious life in too mean a cause. It was his duty to see that every part of the vast dominions intrusted to his charge was well administered—and not the least important part of those dominions was the island in which many political prisoners and hundreds of the most desperate criminals were assembled. Some persons might, perhaps, think that he ought to have avoided the danger of visiting that spot, of which, no doubt, he was fully warned; but it might be said that—

> "He was armed too strong in honesty.
> There was so little terror in those threats
> That they passed by him as the idle wind,
> Which he regarded not"—

and by the fearless discharge of that duty, as of every other, he set an example which was worthy of any sacrifice except that which it involved—the sacrifice of his own life. Enough, perhaps, had been said to show that, looking at precedents only, the grants made to Lord Mayo's family in reward of his services were, in the first instance, wholly inadequate, and must have been so regarded by the people of India. It was matter of rejoicing, therefore, that Her Majesty's Government had consented to supplement those grants. But he owned he wished they had gone a little further. There were peculiar reasons why the Government should mark, in an emphatic way, their sense of the value of Lord Mayo's career. The great rewards which were given to such men as Lord Wellesley and Lord Hardinge were given for dethroning Native Princes and for warlike triumphs. The triumphs of Lord Mayo were pre-eminently those of peace, and were therefore, in his humble opinion, far more important. His foreign policy was such as to allay the apprehensions of the nations bordering on our frontier, and to change them from enemies into allies. His internal policy was a complete assurance to the Princes of India that the Proclamation of 1858 would be carried out, so that they were henceforth safe. As regarded finance, Lord Mayo converted a deficit of millions into a surplus, and he laid the foundations of many most valuable reforms. But that which, above all things, distinguished his government was the prodigious activity he showed in the discharge of his duties, and the manner in which he made British rule popular in India. In the three years of his rule he was said to have traversed 20,000 miles, and he certainly learnt more of India in that brief period than most Indian officials had in a long life. As to his popularity, he would content himself with citing one authority. It was that of a well-known writer of the Anglo-Indian Press. He said—

> "With respect to Lord Mayo personally, it is not easy to say how deeply he will be mourned. Of a noble, dignified, and kingly presence, he became his high office in all that pertained to the externals of Royalty. In social life he was good nature itself. Pride, other than proper pride, was not in him. Free, frank, and courteous to all, without offence to any, he could not but be popular. Hospitable, generous, ready to encourage sport or work, a willing patron of all that the people could enjoy, he will be missed and mourned. Unlike some of his predecessors in the high office, no breath of scandal was ever breathed against him or his Court, and so far as general sympathy can mitigate the sorrows of Lady Mayo, this will not be wanting."

Well, then, looking at all that Lord Mayo did, and at the grants which had been made to his predecessors, the sole doubt was whether the grant which had been now made went far enough. They had happily but one parallel case in this country—that of Mr. Perceval. The grants made to his family from the Imperial Treasury were £2,000 a-year to the widow, £1,000 a-year to the eldest son—afterwards exchanged for a valuable appointment—and £50,000 to the other children. Compare this with the present grant of £1,000 a-year. For his own part, he could wish that there were added £1,000 a-year to the eldest son of Lord Mayo—that it might thus be shown that England had at least an equal sense of his services with India.

Mr. T. E. SMITH said, that as one of the few Members of the House of Commons who had been in India during Lord Mayo's Administration, and as the last Member of the House who had seen him alive, he wished to bear testimony to the fact that in India there was at the time but one opinion as to the manner in which Lord Mayo had devoted himself to the service of his country. In India, as in England, it was possible to differ on political subjects; but whether men agreed with him or differed from him, all alike bore testimony that there never had been a Governor General of India who more unceasingly and unselfishly devoted himself to promote what he believed to be the good of that country than did Lord Mayo. Whether they looked at his policy towards the natives, the way in which he conciliated and made friends of the Princes of the country—among whom he was popular in a degree that no Viceroy had ever been before—whether they looked at the way in which he promoted the material development of the country or husbanded its resources, there could be but one feeling as to the spirit animating his government of India. He would not follow the hon. Member opposite into a criticism of whether the pension proposed was sufficient or not, because, after all, the real question was not as to the amount voted, but as to the appreciation which it expressed and the testimony which it bore to the value of the services rendered by Lord Mayo. The finances of India were now in a very different state, and were administered on widely different principles, from what they were in the days which had been referred to. He felt sure, however, that both in this country and throughout the length and breadth of India it would be matter of satisfaction to Europeans, as well as natives, that Her Majesty's Government had thought it right to supplement, even though it might be tardily, the somewhat meagre provision made for Lady Mayo.

MR. GLADSTONE: Sir, I do not regret that the hon. Member opposite (Mr. Eastwick), or that an hon. Member on this side of the House, should have taken the opportunity of reminding Parliament and the country of the merits and services of the late Lord Mayo. But I regret, and it is quite without reason, that the hon. Gentleman should have thought fit to give a controversial and reproachful turn to the Vote in acknowledgment of those distinguished services. The hon. Gentleman has forgotten that not three months or four months after receiving the tidings of Lord Mayo's death, but immediately afterwards, my noble Friend in the other House, and I myself in this House, endeavoured to express, as appropriately and emphatically as we could, what we thought of those services. I confess it appears to me that it would have been in singularly bad taste if we had reserved till this time our opinion upon those services, and had then come down with a laboured eulogium upon Lord Mayo. The hon. Member complains of me for not referring to precedents, and he himself has gone through precedents totally irrelevant, and having no connection with this case—gifts given by the East India Company from their Indian Revenues, and not, as this is, proceedings in which Parliament is called on to take a part. He has referred, indeed, to one precedent which approaches, in some degree, to a parallel case, but he has completely misapprehended and misunderstood it. The hon. Gentleman has made up his mind that Lord Elgin's going to China had no connection with his death. The hon. Gentleman made an announcement on that head, which, to my mind, is not as certain as the hon. Gentleman seems to consider it. But the hon. Gentleman must have known that for 20 or 30 years before that period Lord Elgin had discharged with the highest honours the most arduous offices on behalf of his country in every climate of the globe. He ought to have known that the pension voted by this House to the widow of Lord Elgin was not voted for Indian services at all. It was a contribution made in respect of other than Indian services to the aggregate pension, the Indian portion of which was granted by the Indian Government. And, therefore, it would be absurd to make a comparison between that pension, not given for Indian services, and the one which is given now; and it would have been great affectation on my part if I had done anything more than rely on the very simple statement, as I conceived it to be, which Her Majesty's Government made of their position in reference to this case. We did not find, at the time we examined the case, any precedent for granting from British sources a pension to the widow of a Governor General for Indian services. We could find no such precedent—for Lord Elgin's case was no precedent—and we did not think, on the whole, it lay within our discretion properly to ask Parliament to make one. But the extraordinary circumstances of Lord Mayo's death, combined with the admirable manner in which he had discharged his duty, made an appeal to the feelings of Parliament and the public which we felt would justify us in paying a willing deference to those feelings. We never took the credit of being the originators of the proposition; but we did not think it our duty to offer it an obstinate resistance. On the contrary, we were as willing as the rules of the public service could enable us to be to show some alacrity in coming forward to meet the public desire. The hon. Gentleman probably did not pay attention to the words of the Message from the Throne; he did not consider them worthy of his notice. Yet he must have known that those words have been advised by Her Majesty's Government, and that they contained a most distinct reference to the remarkable services and lamentable end of Lord Mayo. The peculiarity of this pension is to be found not in the amount, but in the fact that it is given to all. It is on account of the strong public feeling and the particular circumstances of this case that Parliament has thought fit—and that the Government meeting the wishes of Parliament have thought fit—to go out of their way to the extent of creating a precedent where no precedent existed to meet this very peculiar case. The hon. Gentleman ought also to have recollected, before he entered upon his criticism, that this was a mere completion—a mere postscript to arrangements substantially complete. Everything had been said which could be said; and, as we thought, the Indian Government had taken on itself the responsibility which had always lain upon it before. It had dealt with the question of the provision to be made for Lady Mayo; and it was only after careful consideration of the feeling that existed in this country that we made the proposal which we have laid upon the Table, and I must say that I do not feel that we are open to the reproaches of the hon. Gentleman. The hon. Gentleman raises the question of amount. I believe my hon. Friend who spoke last was quite right in saying that the value of the pension is not to be estimated from its amount. It is not the business of Parliament to provide for the widows of Governors General. That being so, it appears to me, I must confess, that what has been done has been done in due order and in a becoming manner. And I feel bound to repel the taunts of the hon. Gentleman, although, at the same time, I am extremely glad that he has taken the opportunity, from his own knowledge, to revive again in the mind of Parliament a remembrance of the services and the sad fate of the late Lord Mayo.

SIR STAFFORD NORTHCOTE: I speak what I am sure must be the feeling of every friend of Lady Mayo and of every member of the late Lord Mayo's family, when I say that I honestly trust the effect and grace of this Vote may not be marred by any controversial turn that may have been given to the question. The right hon. Gentleman has fairly said, and I myself should desire to put this Vote—not as one proposed by the Government, by any particular party in this House, or even by the House itself, but as the Vote of the English people. It is no use canvassing precedents, for the case is one to which precedent does not apply. It is no use canvassing whether the Vote in itself is inadequate—any sum would be inadequate to express our sense of the loss we have sustained, and still more of the loss sustained by Lord Mayo's family and friends. Nevertheless, to such an extent as it is possible for a Vote of Parliament to carry with it the sentiments that inspire it, this Vote does express our feelings; but, of course, the value of the Vote depends much more upon the manner and grace of the gift than upon the actual amount. Those who know Lord Mayo's work in India, and the spirit with which he set about it, will, I am sure, be anxious that in whatever we do for his family we shall act in the spirit which distinguished him—not in a grudging or eye-serving spirit, but by asking what can be done and doing it. We who know something of his worth, know that he went out to India under circumstances of very peculiar difficulty. He succeeded a Governor General who above all for many years had filled the office, and was intimately acquainted with all the circumstances of the country which he was administering. Lord Mayo went out without that advantage, and he determined from the first to make up for the disadvantage by his own personal activity. He resolved to see everything for himself, and it was by working in that spirit that he made himself so popular in India, and also, unfortunately, it was by working in that spirit that he brought upon himself the untimely end that overtook him. I trust, therefore, that nothing will be done to mar the grace of the Vote which we are about to pass, and which will, I am sure, receive the approval of the country.

MR. EASTWICK wished the Committee to believe that it was the furthest thing from his mind in what he had said to reproach the right hon. Gentleman at the head of Her Majesty's Government, or to disturb the unanimity with which this grant was about to be made. He accepted most complacently the censure which had been passed upon him, because it had brought forward an expression of Lord Mayo's merits, which he thought ought to have been made before.

Resolved, That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the fifteenth day of March, one thousand eight hundred and seventy-two, and to be settled in the most beneficial manner upon Blanche Julia Countess of Mayo, Widow of the late Richard Southwell Earl of Mayo, Her Majesty's late Viceroy and Governor General of India, for the term of her natural life.

Resolution to be reported *To-morrow,* at Two of the clock.

THAMES EMBANKMENT (LAND) (*re-committed*) BILL—[BILL 214.]

(*Mr. Baxter, Mr. Chancellor of the Exchequer.*)

COMMITTEE.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry the hon. and learned Member for Oxford (Mr. Harcourt) saw fit to interpose between the House and the Committee upon this Bill, which was now of respectable antiquity, and would, he hoped, have been disposed of very briefly by the House, for the hon. and learned Gentleman would neither do service to his own cause nor to the comfort and harmony of the House by deferring the decision upon this measure by any Motion of his. The story of the Bill could be very briefly told. It originated in this wise. A Committee of the House, which was appointed last year to consider the question, decided that the land, which was the subject of the dispute, should be handed over by the Commissioners of Woods and Forests to the Metropolitan Board of Works, for what the hon. and learned Gentleman himself described as a colourable consideration. The law did not permit such a handing over, and it therefore became necessary that a Bill should be introduced, in order to allow the recommendations of the Committee to be carried into effect. In obedience, therefore, to the wish of the Committee, though by no means agreeing with its recommendation, the Government introduced this Bill, and—as they were bound to do—referred it to a Select Committee, which came to a decision adverse to that of the Committee of last year, requiring the land to be paid for according to its value, instead of for a merely nominal and colourable consideration. The Government were disposed to agree with the unanimous decision of this Committee; but the hon. Member for Westminster (Mr. W. H. Smith) had placed upon the Paper Amendments which would raise fully the matters in debate between himself and the Government. The question had been thoroughly argued, the issue had been raised, and little further discussion was necessary in order for a decision to be arrived at. That being the state of the case, the hon. and learned Member for Oxford came forward, and told the House it was advisable to defer the matter till next Session, because there was other important Business to be attended to. There would be Business to attend to next Session also, and he (the Chancellor of the Exchequer) undertook to say that by deferring this Bill for another year they would waste 20 times the amount of public time that would be occupied now in settling the question, which was ripe for decision, and the decision of which, whatever it might be, Her Majesty's Government were prepared to accept. He had heard it said that a postponement of the question was to be asked, on the ground that the Metropolitan Board of Works were engaged in negotiations with his Grace the Duke of Northumberland for the purchase of some land abutting upon the Embankment. He could imagine nothing more irrelevant than to raise any discussion as to what the views of the Duke of Northumberland were. The land of the Duke of Northumberland lay to the North, and the land which the Bill proposed to deal with lay to the South, and the two questions had no relation whatever to each other. It was a mere question of the financial operation of the Board of Works involving an expenditure of £3,000, and was that an amount sufficient to render it necessary to postpone this matter, to see whether or not another financial arrangement could be made? The two things were quite independent, and he hoped they would proceed at once to discuss the main question, and not put it off to another Session.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Chancellor of the Exchequer.*)

MR. VERNON HARCOURT, in moving the Amendment of which he had given Notice, said, he did not deny the accuracy of the statement just made by the Chancellor of the Exchequer, that a Bill was necessary to the carrying out of this transaction; but he denied that on the 22nd of July the House of Commons was in a proper situation for discussing that measure. His reasons for taking this view were, in the first place, that the Bill would take a long time to discuss; and, in the second, that they had not a long time at their disposal for the purpose. The second proposition was proved by the fact that there were 35 Government Orders of the Day on the Paper for that evening, and that the

Government had that day thrown overboard the most important remaining Bill of the Session—the Corrupt Practices Bill—because they had not time to discuss it. That the Bill would require protracted discussion was proved by the fact that there were no less than five different parties at issue on this point—first, the Committee of last Session; then the Committee of this Session, who disagreed with that of last; thirdly, the Government, who differed from both; fourthly, the hon. Member for Glasgow (Mr. Anderson), who differed from all three; and, fifthly, the Metropolitan Board of Works, who were not satisfied with the arrangement proposed; so that the House was to take on itself, on the 22nd of July, to arbitrate between all these parties. The House was, therefore, asked to enter upon a discussion as complicated as the Geneva Arbitration, and, supposing they got through the Committee on the Bill, they would be met again with those numerous means of resistance which at this period of the Session were all-powerful in the hands of a defeated party. Was it worth while, therefore, to waste these precious moments of the Session by throwing overboard the Committee of Supply, and spending time that might be devoted to the Licensing Bill, in settling a squabble which ought to be determined by the Treasury and the Metropolitan Board of Works by private arrangement? The question was not so simple as the right hon. Gentleman seemed to think, because its discussion would involve, among other things, a consideration of the way in which the public lands of the country were and ought to be administered. Then there was further the æsthetic question of taste as to which was the best architectural line to be adopted—a question which he never entered upon, because he did not understand it. He, however, had never considered this as a question of taste, and had always considered it as a question of how much open space could be secured for the inhabitants of London. There could be no harm in postponing the Bill until next Session. Three precious weeks at the opening of the present Session had been occupied by the Parks Bill; let this Bill be put down for consideration at the opening of next Session. The plans for the public buildings intended to be built upon this space of ground were not before Parliament, nor the Votes for the money that would be required for their erection. It was also said that the line would not be consistent with Whitehall Gardens, which would have to be pulled down; but it could not be done this autumn, it having a lease of 30 or 40 years more to run, and therefore it was that he urged that they need not be called on on the 22nd July to decide this question. The Chancellor of the Exchequer in like manner had ridiculed the idea that Northumberland House had anything to do with the question, but everybody knew that Northumberland House was the key to the whole position, and that the Duke of Northumberland had a veto on the question—if, however, he complied with the wishes of the Metropolitan Board of Works, the aspects of the question would be entirely changed. Since negotiations were now going on between the Duke and the Board, he felt sure that if this Bill were withdrawn the points at issue would be amicably settled during the Recess without the time of the House being wasted. He would conclude by moving, as an Amendment, that at this period of the Session it was not expedient to proceed further with the measure.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the advanced period of the Session and the pressure of more important public business in which the House is already engaged, it is not expedient to proceed further with the consideration of this Bill,"—(*Mr. Vernon Harcourt,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE said, this was a practical rather than a controversial question, which had been long discussed, but was now ripe for settlement; for instance, the hon. Member for Westminster had placed on the Notice Paper views of the question adverse to those entertained by the hon. and learned Member for Oxford, and his view was shared in by the Government, and they were willing to accept it. Several of the five parties to whom the hon. and learned Member had referred had no existence. The Government had clearly stated to what extent it deferred to the opinion of a high authority, and the hon. Member opposite (Mr W. H. Smith) had clearly stated in what respect he desired to depart from the judgment of the Committee. It was totally impossible to take the Bill at the commencement of next Session. This was a hybrid Bill, which it would be necessary to pass through certain formal stages, so that it could not come before the House next Session until they were in the full tide of work. The Government was, therefore, obliged to see what could be done in the time remaining in this Session. If the expression of the judgment of the House was such as would not enable the Government to go forward with the plan, or to enable the hon. Member for Westminster to take up the Bill and carry it forward, without being in any way unfairly impeded by the Government, it would become the duty of the Government to consider whether the question should not be postponed.

Mr. W. H. SMITH said, that when he put his Amendment on the Paper, he did so in the belief that it was expedient and desirable that the Bill should be disposed of in this Session; but since that time negotiations had been entered into which had very materially altered the circumstances referred to by the Chancellor of the Exchequer. There could be no doubt that the line of approach to the Embankment from Charing Cross was materially affected by the position of Northumberland House. Proposals had been made to his Grace by the Metropolitan Board of Works; but he (Mr. W. H. Smith) had no desire to prejudge the result of those communications or to express an opinion upon them. If, however, an approach was to be made from Charing Cross through Northumberland House, he felt certain that the public would respond to the advance that would be made to the Duke of Northumberland by the Metropolitan Board of Works, in asking his Grace to sacrifice Northumberland House to the necessities of the people. Whatever might be the result of the negotiation, no one could doubt that the approach of the Embankment should be from Charing Cross. Until that point was settled, it would be premature to take into consideration the question of the line of buildings as it affected the particular land in question; and as it was expedient that the discussion of the question should be postponed, he supported the hon. and learned Member for Oxford in his Amendment.

Mr. ANDERSON had intended to support the Government, but the remarks of the hon. Member for Westminster (Mr. W. H. Smith) had induced him to change his opinion. This Bill was a proposal to sell a piece of land worth about £100,000 for £3,000; but if the Bill were postponed there would be a chance of getting for the land a larger price somewhat in proportion to the sum which the Duke of Northumberland would receive for his land.

Colonel HOGG said, that when the Metropolitan Board of Works found the present Duke of Northumberland was clearing away the buildings between the gardens to Northumberland House and the Embankment, they conceived it to be their duty to enter into fresh negotiations upon the subject of the approach to the Embankment from Charing Cross, feeling sure that the reason the Embankment was not more used was the want of good approaches to it. With that object in view, they had gone to the Duke of Northumberland in order to ascertain what he was disposed to do in the matter. Negotiations on the subject were now going on, and what the result of them might be he could not tell.

Mr. SCLATER-BOOTH said, there might be many reasons why it was desirous to postpone the further consideration of the question. Speaking for himself, he should be sorry to see Northumberland House pulled down. It would no doubt be a public improvement, but it could only be effected at an enormous expense. He thought the affairs of the Duke of Northumberland had been unnecessarily brought into the question.

Mr. BERESFORD HOPE having in a former Session successfully challenged the opinion of the House on the preservation of Northumberland House, and having been last year a Member of the Select Committee on the subject of the Thames Embankment, wished to make a few remarks. He protested against the red herring of Northumberland House being drawn across the path. Differing as he did from the Government on the main question, he must acknowledge the fairness with which they had on the present occasion arranged to try the principle at stake—

—namely, whether the money spent by the metropolitan ratepayers on that ground had or had not given them a moral, as distinct from a legal, claim to enter on it at a minimum cost. He had come down to discuss that question, and not to embark on an indefinite discussion of possible future approaches to the Embankment. He was a party to the paper which had been issued requesting a large attendance on the present occasion, but had not put his name to that paper for the purpose of trying the question of Northumberland House. He might have been glad to see the Bill postponed, because he believed that six months reflection on the part of the Chancellor of the Exchequer would induce him to think that the sacrifice of popularity, which his assertion of *Summum jus* involved, would be ill-repaid by £3,000 or even £40,000; but in face of the reasons urged for the postponement, he was constrained to admit that the arguments against it predominated. On these grounds he should not vote for the Motion of the hon. and learned Member for Oxford, because when the Chairman for the Board of Works talked about negotiations respecting Northumberland House he felt that by voting for the Motion he should facilitate an issue which he might be bound to oppose at a later stage. The Resolution, if it should be in favour of the hon. and learned Member for Oxford, would be taken as expressing the feeling of the House in favour of the demolition of Northumberland House, which was a building of great interest and dignity, and could only be acquired by the Metropolitan Board at a fancy price. He appealed to the hon. Member for Westminster not to be carried away by the fervid eloquence of the hon. and learned Member for Oxford, and trusted that he would not support his Resolution, for his own part he would be compelled to vote with the Government in the hope of reaching the direct issue raised by the Amendments of his hon. Friend.

MR. LOCKE, as a Member of the Committee of last year, was not surprised at the course taken by his hon. and learned Friend the Member for Oxford (Mr. Harcourt). The Government had had another Committee during the present Session. He believed that Committee had come to the determination of having a larger sum from the Metropolitan Board and giving them less land into the bargain. The question was which of the two schemes should be adopted. He denied that it would take the House a long time to come to a decision on the subject. Notice had certainly been given of a number of Amendments by the hon. Member for Westminster (Mr. W. H. Smith), but if the first should be carried there would be an end of the rest. Then with respect to Northumberland House, if the Metropolitan Board of Works, at some future time, chose to acquire that residence, and to adopt some plan for bringing a road down from Charing Cross to the Embankment, he did not see how, in the slightest degree, that would interfere with the piece of land which was the matter in dispute, which was quite on the other side and did not come near Northumberland House. He thought, therefore, that the opinion of the House should be taken on the question whether the proposal of the hon. Member for Westminster should be adopted in preference to that adopted by the Committee this year.

COLONEL WILSON-PATTEN deprecated any further discussion on the subject until the Motion before the House was disposed of, which was whether or not the subject should be discussed on that occasion. He thought the question ought to be decided one way or the other, and then the subject might be discussed on the Amendments.

MR. COWPER-TEMPLE thought that the House would do wisely not to attempt to enter into a discussion on the merits of the Bill. It had been said that the question of Northumberland House had nothing to do with the points involved in the Bill. Now, in his opinion, the question of Northumberland House was one of primary importance in laying out the land on the Embankment. There was no approach from Charing Cross; and if the Duke of Northumberland thought proper to abandon that House for the purpose of allowing the formation of a good straight street it would be much more advantageous to the public than the preservation of the architecture of that building. After the statement which had been made by the Chairman of the Metropolitan Board, that negotiatioms were still going on with the Duke of Northumberland, he thought the Chancellor of the Exchequer would do wisely not to proceed with the Bill, which was not ripe for discussion.

Mr. AGAR-ELLIS said, he had been looking at the posts on the Embankment marking out the strip of ground which it was proposed to sell to the public, and was of opinion that the land was altogether insufficient for the object contemplated. He believed that the postponement of the discussion for six months was desirable in order that the Government might give further consideration to the matter.

Lord ELCHO admitted that it was most essential that there should be a proper access to this beautiful Embankment; but he wished to point out that a plan was laid before the Select Committee by the late Mr. Pennithorne, which gave a most beautiful access from Charing Cross to the Embankment without touching Northumberland House at all, and which, if adopted, would have saved the expenditure of the enormous sum which the purchase of the building would require.

Question put.

The House *divided*:—Ayes 133; Noes 154: Majority 21.

Words *added.*

Main Question, as amended, put, and *negatived.*

LOCAL GOVERNMENT BOARD (IRELAND) BILL—[Bill 90.]—COMMITTEE.

(*The Marquess of Hartington, Mr. Attorney General for Ireland.*)

Order for Committee read.

The Marquess of HARTINGTON, in moving that Mr. Speaker do now leave the Chair, said, that its object was simply to apply to Ireland, so far as was practicable, the policy of the Act which was passed last year placing the administration of the Poor Law, of the Local Government Acts, and of the Sanitary Acts, under the Local Government Board. This Bill was in the same form as the Act of last year, so far as that was applicable to Ireland. It was not necessary to enter into further explanation beyond stating that it was erroneous to suppose that this was an attempt to amend the Local Government Acts. The principal object was to constitute a Department in which the public would have confidence, and which should superintend the administration of those Acts which, to a great extent, remained inoperative, and the first duty of the Sanitary Department would be to inquire in what respects reform was required. The noble Marquess concluded by moving that the House go into Committee on the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*The Marquess of Hartington.*)

Motion *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Preamble *postponed.*

Clauses 1 and 2 *agreed to.*

Clause 3 (Constitution of Local Government Board).

Mr. PIM expressed his opinion that the head of the Local Government Board of Ireland should have a seat in the House of Commons.

The Marquess of HARTINGTON said, he had no doubt that if at a subsequent period it should be found that there was sufficient important work to be transacted by the Board, Parliament would be willing to give to the Board whatever Parliamentary representation it might think necessary. At present, however, he did not think the administration of the Poor Laws, or the Sanitary or Local Government Acts, had produced an amount of Parliamentary occupation which would justify the appointment of another Parliamentary officer. The Chief Secretary was proposed as a President of the Board, in order to make his responsibility to the House complete.

Mr. DELAHUNTY protested against a system of sanitary legislation being promoted for Ireland separate from the rest of the United Kingdom. He was of opinion that on this subject Ireland ought to have been included with England in one Bill, and hoped next year that instead of two Bills upon the subject there would be only one.

Clause *agreed to.*

Remaining clauses *agreed to.*

Bill *reported*; as amended, to be considered *To-morrow.*

NAVY AND ARMY EXPENDITURE (1870–71).

Considered in Committee.

(In the Committee.)

1. *Resolved,* That it appears by the Navy Appropriation Account, for the year ended 31st

March 1871, that the balances unexpended in respect of certain Votes for Navy Services for the said year amounted to the total sum of £159,874 12*s.* 6*d.*

2. *Resolved,* That the Commissioners of Her Majesty's Treasury have temporarily authorised the application of the said sum, to provide, in part, for the expenditure incurred in excess of certain other Votes for Navy Services for the said year.

3. *Resolved,* That the said application be sanctioned.

4. *Resolved,* That it appears by the Army Appropriation Account, for the year ended 31st March 1871, that the balances unexpended in respect of certain Votes for Army Services, for the said year, (together with Appropriations in aid) amounted to the total sum of £255,934 4*s.* 6*d.*, and that the sum of £29,249 3*s.* 5*d.* was realised in excess of the total estimated amount of Appropriations in aid.

5. *Resolved,* That the Commissioners of Her Majesty's Treasury have temporarily authorised the application of the said sums, to provide, in part, for the expenditure incurred in excess of certain other Votes for Army Services, for the said year.

6. *Resolved,* That the said application be sanctioned.

Resolutions to be reported *To-morrow.*

DRAINAGE AND IMPROVEMENT OF LAND (IRELAND) SUPPLEMENTAL (NO. 3) BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Kildare district, in the county of Kildare, *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. BAXTER.

Bill *presented,* and read the first time. [Bill 265.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 23*rd July,* 1878.

MINUTES.]—*Sat First in Parliament*—The Earl Waldegrave, after the death of his grandfather.

PUBLIC BILLS—*First Reading*—Elementary Education (Elections) (No. 2)* (240); Basses Lights (Ceylon)* (241); Judges Salaries* (242); Adulteration of Food, Drugs, &c.* (243); Bastardy Laws Amendment* (244).

Second Reading—Metalliferous Mines Regulation (229); Mines (Coal) Regulation (224); Elementary Education (Elections)* (231), *negatived;* Masters and Workmen (Arbitration) (234); Grand Juries, Middlesex* (235); Grand Juries (Ireland)* (225); Victoria Park* (227).

Report of Select Committee—Pier and Harbour Orders Confirmation (No. 3)* (202-239).

Committee—*Report*—Statute Law Revision (No. 2)* (217); Metropolitan Tramways Provisional Orders Suspension* (220).

Report—Petroleum* (193); Tramways Provisional Orders Confirmation (No. 3)* (145).

Third Reading—Summary Jurisdiction* (200); Ecclesiastical Dilapidations Act (1871) Amendment* (233), and *passed.*

METALLIFEROUS MINES REGULATION BILL (No. 229)—AND—MINES (COAL) REGULATION BILL.

(*The Earl of Morley.*)

(NO. 224.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY: My Lords, I feel that I shall be consulting the convenience of your Lordships if I make the two Bills which deal with the regulation of mines the subject of comment in one and the same speech, because the matters to be treated of in connection with both are almost identical. And, my Lords, perhaps I may be permitted to express a hope that, on this occasion, I may be more successful than I have been in two or three recent instances in obtaining the co-operation of the noble Lords opposite. I need not dilate on the importance of these Bills. Manifestly they are of great importance, if we have regard to the number of mines and the number of people employed in them, for not fewer than 500,000 persons engaged in mines will come under the operation of these Bills. At present there are 3,142 mines under the regulation of the existing law, and in these 350,849 miners are employed. The number of new mines which will be included by the two Bills now before your Lordships will be 1,849, and the number of miners 92,565; so that there will be a total of 4,991 mines, and nearly 500,000 miners under the operation of these Bills. My Lords, the attention of Parliament was first called to the condition of the persons employed in mines by the noble Earl opposite (the Earl of Shaftesbury), whose name has been associated with this kind of legislation for nearly half-a-century, and who, assisted by others, succeeded in obtaining an Act of Parliament 30 years ago, which, supplemented as it has been since by several other Acts of a similar character, has wrought a great change in the moral and physical condition of the miners, and has thus shown that the noble Earl and those who acted with him were amply justified in the course they took so long a time back. If your Lordships turn to the Report of the Commission, over which the noble Earl presided, you will find that sometimes children of five years were employed underground; that at similar employment women occupied a position which was physically and morally degrading; and that the moral darkness of the miners—men, women, and children—rivalled the physical darkness of the regions in which they worked. The Mines Act at present in force is one passed in 1860 by Sir George Lewis; but however beneficial that measure may have been—and that it was beneficial it is needless to say—yet the present state of things calls for some attempt to be made to remedy the existing state of affairs, for since the passing of that Act there has been a large increase in the number of metalliferous mines and coal mines. In 1864 a Royal Commission was issued for inquiring into metalliferous mines. That Commission was presided over by Lord Kinnaird. The Commissioners drew up a very careful Report, on which was based the Metalliferous Mines Bill, on which one of the Bills now before your Lordships is founded. In 1867 a Petition was presented to the House of Commons by the coal miners of the country; that Petition was referred to a Select Committee, and on examination of the statements of the petitioners, it was found that they drew attention to a vast number of points in the present state of the law, which, it must be admitted, were well worthy of the consideration of Parliament. The petitioners suggested certain alterations in the law, some of which were accepted, and some of which were rejected by the Select Committee. Your Lordships will find that many of the improvements recommended at that time are embodied in the Bills now before the House. I shall say one word as to the history of the Bills which have been introduced since the Act of 1860. The noble Lord to whom I have already alluded (Lord Kinnaird) introduced his Metalliferous Bill two years ago, but withdrew it on the understanding that it should be amalgamated with a Bill extending to coal mines. It was, however, found subsequently that the two classes of mines were so different that the regulations applicable to the one would be totally inapplicable to the other; and consequently the Government have this year endeavoured to deal with the subject in two distinct Bills. At the same time, I think the noble Lord (Lord Kinnaird) will recognize features of his own child in the Metalliferous Mines Bill, though I hope it will be found that we have improved on the noble Lord's effort. The subject of mines we divide in three great divisions. First, we deal with the employment of women and children; secondly, with the question of inspection; and, thirdly, with the question of safety. I propose, with your Lordships' leave, to describe in each case what is the present state of the law, and what is the amendment we propose. In the first place, as to women and children, your Lordships are aware that no woman is now allowed to work underground. As to children, no child of less than 10 years of age is allowed to work underground, and children between 10 and 12 are not allowed to go underground unless on a certificate that they can read and write; or unless on the condition that they are to attend school for six hours each week during their employment in the mine. After the age of 12 there is no restriction whatever; neither is there any restriction in the case of children who work aboveground. Now, that is felt by the miners—and I think it will be felt by your Lordships—to be utterly inadequate, though in cases like this it is hopeless to lay down any iron rule. The present system as regards children is inadequate, because, in the first place, there was no security that the certificate came from a competent person. The examination of a child might be the merest farce. Then, in case the boy cannot read and write, attendance at school twice a-week for three hours each time is not sufficient to enable him to obtain any usual amount of education. Now, this Bill proposes to amend the law in this manner. It proposes that no child under the age of 12 should be employed in a mine. The Select Committee on Metalliferous Mines thought that was the earliest age at which children should be allowed down in mines. There will be only one exception, and this will be in the case of thin seam mines, but not as a rule even in these. The exception is made in consequence of a Petition, signed by thousands of miners, which states their opinion—afterwards confirmed by the Reports of the Inspectors—that if the rule were enforced in the case of thin-seam mines the working of many of them must be retarded, and that working in these mines does not lead to physical deformity or injure the health of children. By permission of the Secretary of State, therefore, children will be permitted to work in thin-seam mines, even if only between the ages of 10 and 12; but the half-time system and educational conditions similar to those imposed by the Workshops Act will apply to the case of such children. They may work six hours for six days a-week, or 10 hours for three days, and their attendance for education must be at least 20 hours per fortnight. The regulation for boys above the age of 12 and under 16—the age at which they are commonly called young persons—will be that they shall not work beyond 10 hours a-day or 54 hours a-week, and the hours are to be counted from the time of leaving to the time of returning to the bank. Those are the main changes as regards employment, and they are mainly three—firstly, the limit of age for mining underground is raised from 10 years to 12 years; secondly, new regulations are laid down for boys between 12 and 16 years; and, thirdly, the provisions of the Workshops and Factories Acts are extended to miners working aboveground. The second division of the subject is inspection. In this no material change is contemplated by the Bill now before your Lordships. At present the number of Inspectors is 12. Ten years ago it was only six, and 30 years ago, when the noble Earl opposite (the Earl of Shaftesbury) moved in the matter, it was only one. No doubt, it will be necessary, in consequence of the additional number of mines and miners which will come under the operation of the law, to increase the number of Inspectors, though I cannot at present state to what extent; provision has however been made for some increase. It has been pressed on the Home Secretary that it would be dedesirable to have a more extended system of inspection. The present duties of an Inspector are to have a general knowledge of the mines; to give warning to the owner if he knows of danger; to make inquiry into accidents; to attend accidents; and to make an annual Report as to the state of the mines in his district. Well, it was proposed by mine owners themselves, and by many other persons, that this inspection should be very much increased. The arguments against this proposition are that it would be inexpedient to relieve owners of their responsibility; that quarterly inspections of mines would be impossible without, at least, 200 Inspectors; and that even with such an inspecting staff the reports would be fallacious. In some cases mines are 80 or 90 miles in extent, and a certificate of safety given by a Government Inspector must be fallacious in such cases. Therefore, my Lords, the Bill proposes no change in the general system of Inspection; but under Clause 52 miners may appoint two of themselves to inspect the mines at least once a month. This system is pursued in Lord Vane's mine; it is one of mutual confidence, and it has been found to answer better than any Government inspection. Next under the Bill, certificated managers will be appointed in coal mines. This question has been discussed at considerable length in the other House. Accidents often occur from the ignorance of viewers; and the experience of Belgium and other countries proves that improved education of the miners and those over them would cure many dangers. The proposal to give certificates to managers has been objected to on the ground that it would take away the responsibility of the owners; but it will be remembered that the choice of the manager will still be with the owner. The only difference will be that he will choose a person who has received a certificate. Your Lordships know that at present masters of ships must obtain a certificate before they are allowed to go to sea in charge of a vessel, as must colonels of a regiment before they assume the command of men; and though I do not say the cases are quite analogous, there is sufficient analogy between them to make the argument drawn from the certificated masters of ships a sound one in the case before your Lordships, because it would seem only natural that managers of mines, who have the lives of so vast a number of persons in their care, should have certificates of some kind. It has also been urged as an objection, that experience is more valuable than science in the case of the management of a mine. Now, I do not wish to undervalue experience, or what is called "the rule of thumb;" but I do not see why experience and science should not go together in this affair of the management of mines. It is an acknowledged fact that many of the accidents which now occur are due to the ignorance of managers of mines. My Lords, various proposals have been made as to the mode of examination. There have been schemes for the nomination of examiners by the Secretary of State, and schemes for the election of examiners by different classes of persons. These plans have been much discussed, and as a result a mixed plan has been adopted in the Bill. This plan is that the Home Secretary should nominate three owners, three miners, and three engineers, who will form a Board of nine, and this Board, in conjunction with the Inspector of the district, will choose the examiners. The general rule in future will be that all managers must obtain a certificate by examination; but if such a system were carried into operation at once, one of its effects would be to throw out of employment a number of valuable men, who, though unable to pass an examination, are perfectly competent for their posts by reason of long practical experience. The way in which this difficulty is met is by a certificate granted for service of 12 months as managers of a mine at some time within the last five years. My Lords, I venture to think this system will increase the securities for safety without unduly diminishing the responsibilities which ought always to rest with the owners and occupiers of mines. My Lords, I now come to the third division of the subject. It is the most important one, because it has to do directly with the safety of the miners; and, therefore, the Bill contains a variety of provisions calculated to effect the desired object. The first part of this branch of the Bill is a re-enactment of the measure passed in consequence of the Hartley Colliery accident—namely, the necessity of having in all cases the advantages of a double shaft in order to provide another means of exit in case of accident; while the second contains a code of general rules that will henceforth have to be observed. The effect of past legislation has been to cause a decrease in the number of accidents, though, unfortunately, the number is still large. From 1850 to 1860 one life was lost to every 67,000 tons of coal raised; from 1864 to 1868 the loss was one life to every 98,000 tons; in 1870 the loss was one life to 113,900. The deaths in 1870 were 991, whereas if the proportion of one life to 67,000 tons of coal had been maintained, the deaths in 1870 would have been nearly 1,685. The number of persons employed per life lost in that year was 356. Part of the improvement, I must repeat, may fairly be attributed to the effect of legislation, though much is doubtless owing to the increased anxiety of owners of mines to extend protection to the men in their employ. It must also be remembered that, if the average number of deaths per annum is now 1,000, that by no means covers all the disastrous consequences of colliery accidents, because a large number of men are maimed by them, though not killed, and their names do not appear in the Return; but your Lordships can well understand that those accidents represent a vast amount of suffering and distress. Now, while on this point, I think it is important we should inquire into the causes of accidents, because there is an erroneous impression that by far the larger number are caused by fire-damp, though that is not the case. With regard to the causes of these accidents, they may be divided into four classes — explosions by fire-damp, falls of roof, shaft accidents, and miscellaneous ones. Now, in the year 1870, the proportion of deaths resulting from these causes is thus — fire-damp, 185; fall of roof, 411; shaft accidents and miscellaneous, 400; so that fire-damp only occasioned one-fifth of the casualties, whereas the fall of roofs caused two-fifths of them. The same result is brought out if an average of 10 years before the year 1866 is taken. Within that period, 9,916 lives were lost; 2,019 being from fire-damp, nearly 4,000 from falls of roof, and the remainder from miscellaneous causes. Setting that aside, however, proper ventilation in mines is, of course, a matter of the very greatest importance. The gas becomes dangerous when mixed with four times as much atmospheric air, and it ceases to be dangerous when it mixes with 14 times as much atmospheric air; and hence, my Lords, the necessity for the ample ventilation which the Bill considers necessary. Now, my Lords, in the existing law, the words under "ordinary circumstances" occur in relation to the regulations for ventilation. We omit them in this Bill, because they were almost valueless. How can the prosecutor prove that the circumstances were ordinary? The owner is considered *primâ facie* liable. An accident occurs which proves that the ventilation was indifferent, and the owner may exonerate himself by proving that he took reasonable precaution. But, my Lords, accidents do not occur in ordinary circumstances, they occur in extraordinary circumstances, though in many cases these may be foreseen to some extent; and any well-conducted system of ventilation should be intended to serve its purposes under extraordinary circumstances. Mr. Brough, one of the Inspectors, mentions the case of a blower of gas which gave off 130,000 cubic feet of gas in 10 minutes. When he first came to the pit, only 12,000 cubic feet of air per minute passed through the pit. He caused it to be increased to 80,000 cubic feet per minute. An accident then occurred, which, under the conditions in which the Inspector found the mine when he first visited it, would have caused the death of 500 men and 70 horses, but as it was, in consequence of the remedial measures taken, no life was lost. Every well-conducted mine has a great deal more ventilation than is necessary in ordinary circumstances; the object is to guard against bad management. I now come to the provisions for preventing accidents caused by the falling of roof or coal, and the custom regarding which varies in different localities. I have shown that this is the most frequent cause of death. The men are careless, and in their anxiety to make the largest wages they are careless in the matter of propping. In Durham and Northumberland there is a rule in force under which the miners are not allowed to prop their own work. The propping is done by different men from the miner, under the superintendence of the managers. What has been the result? In Durham the deaths from falls are 1·95 per 1,000,000 of tons of coal raised; in Northumberland the number is 2·75. In North and East Lancashire it is 4·70; in West Lancashire 5·81; and in South Wales 6·57 per 1,000,000 tons. In the last three places, the propping is done by the men who work out the coal, Of course, my Lords, when looking at these figures, we must remember that there are other causes to be taken into consideration—such as the hardness or softness of the strata, &c.; but, at the same time, the figures are so striking that they are well worthy of our attention. This part of the Bill proceeds, therefore, on the rule which has worked so well in Durham and Northumberland, but it does not go so far. It does not prevent the miners from propping for themselves, but it provides that this work must be under the superintendence of an overseer appointed specially for the purpose. Passing from that branch of the subject, I may mention, my Lords, as the law stands, coal can be weighed, measured, or gauged, at the owner's option, when brought to the pit mouth. The Bill before your Lordships, however, provides that coal shall be weighed only, and by standard measure. It is objected that the provision is an interference with contract. I admit that, but the interference is not further than is necessary. Various weights are at present customary, and the uncertainty of the capacity of the measures is a constant source of dispute. We think, therefore, that the provision has such advantages, that it ought to form a portion of the Bill. As coals are sold by weight, there would not seem to be any good reason why they should not be raised by weight, and it would be pushing the doctrines of political economy too far to reject the clause on the ground of its interference with contract. In order to meet an objection raised on the ground of the expense of providing weighing machines, the Secretary of State is to have the power of exempting particular mines from the operation of this clause. The last question with which I have to deal is the liability of owners. Our object in this Bill is to throw the responsibility on the owner, if he cannot prove due diligence. Under the Factory Acts of 1844 the occupier is *primâ facie* liable, but can exonerate himself if he can prove due diligence, and can point out the culpable person. We do not propose in the Bill to enact this condition. The owner will be *primâ facie* liable; but all that will be necessary for him to prove is that he had used all due diligence—that he had taken all reasonable means by publication and enforcement of rules to prevent contravention or non-compliance with them. As to the institution of prosecutions, it is provided by the Bill that the Inspector only can prosecute an owner or agent, unless with the consent of the Secretary of State. This latter provision is intended to meet cases in which the Home Secretary does not think the prosecution ought to be undertaken on behalf of the Government. Some apprehension has been expressed as to the provision for penalties; but I think your Lordships will find that the penalties are rendered more fair and just towards the employers and the employed. For a breach of the law owners will be liable to a penalty of £20 and £1 a-day during the continuance of the offence. The miners for a breach of the law will be liable to a penalty of £2. This is the same as at present, but the Bill gives an alternative of three months' imprisonment. Either an owner or miner may be imprisoned; but that would be only for a personal act—for personal default or negligence by which the safety of persons lives was endangered. Considering that hundreds of lives may be lost by one of these accidents, I do not think Parliament will be acting too stringently in giving the tribunal before which an offender is brought, the alternative of imprisonment in such cases as I have stated. There will be a power of appeal, and there is none under the existing law. There are many other matters of detail; but I will not trouble your Lordships with them upon this occasion, as I think I have touched on the principal provisions of the Bill. It has, moreover, been carefully drawn and carefully sifted in "another place." Many of its provisions are the result of mutual concessions between the various parties concerned; but, as a whole, the Bill follows the legislation of the last 30 years, and I ask your Lordships to read it a second time, in the hope that it will, even more than the other Mining Bills which have preceded it, succeed in diminishing the risks to which work-people engaged in mining operations are, by the nature of their calling, so much exposed. I have to apologize to your Lordships for the length at which I have addressed you, and which I feel could only have been excused by the great importance of the subject. The noble Earl concluded by moving the second reading of the Metalliferous Mines Bill.

Moved, "That the Metalliferous Mines Bill be now read 2ª."—(*The Earl of Morley.*)

LORD DE ROS said, he could confirm the statement made by the noble Earl who had moved the second reading, that the rule with respect to propping now existing in Northumberland and Durham had been attended with the best effects, and he would recommend the Government to make the clause relating to that subject more stringent by inserting in it a prohibition against miners propping their own work, and that care should be taken that only experienced persons were allowed to undertake it.

THE EARL OF SHAFTESBURY said, that when he moved his Bill in the House of Commons in 1842, Parliament and the country were not ripe for the legislation that was required on this subject, consequently he had been obliged to confine himself to less than ought to have been done. What he and those acting with him at the time, however, did accomplish was a prohibition against the employment of women underground, and one against the employment in that way of any child under 10. In the same manner, the Bill now before their Lordships did not go so far as he could wish, but he thanked the Government for it, being very glad to take what was offered; more especially when he considered that what had already been done in the way of legislation had effected a considerable improvement in the moral and physical condition of the miners. He was not prepared to move any Amendments, because he knew that, in those matters, Parliament must proceed tentatively; but he thought that all the educational benefits of the Factory Act should be extended to mining children up to the age of 13. There was another subject to which he would refer, and which was, that in 1844 it was found that the engines for hauling things up and down the mouths of pits were in charge of boys of 10 or 12, and that as a matter of course many accidents were the result. He succeeded in limiting the employment to persons not under 15. This Bill brought the limit up to 18. He was glad of that, and should be glad to see the limit still higher, for young lads had not that sense of responsibility which persons ought to possess before they were employed at such a post. He was also happy to observe that something was done in the Bill for the women employed on the banks of the mine, by limiting their employment to 12 hours a-day and giving them Sunday; and he trusted those changes in their hours of labour would have a beneficial effect, for some of these poor women were very degraded, and their appearance as seen in photographs showed it, and there was great room for improvement in their moral condition. He must also say that he was much against the employment of young boys in mines. In some countries—Prussia, for instance—no youth under 16 was allowed to be employed down a mine. One must consider what it was for a boy of 10 or 12 years of age to be for a number of hours beneath the earth in darkness. It must produce a serious effect on his mind, and the mental depression to which it necessarily gave rise must prevent the child from having much inclination for education. He could produce statistics to show how difficult it was to get such boys to go to an evening school, whatever the inducements held out to them. In conclusion, he must again express his obligation to the Government for what he trusted the Bill would do in elevating the character and improving the condition of a class who, with all their faults, were amongst the most generous, honest, and single-minded of our people.

Motion *agreed to;* Bill read 2ª.

Then the Mines (Coal) Regulation Bill read a second time; and both Bills *committed* to a Committee of the Whole House on *Friday* next.

ELEMENTARY EDUCATION (ELECTIONS) BILL—(No. 231.)—SECOND READING.

(*The Lord President.*)

Order of the Day for the Second Reading, read.

THE MARQUESS OF RIPON, in moving that the Bill be now read the second time, said, it was one to confirm certain Orders of the Education Department, and also to make provision with respect to the election of school boards. It was necessary for Parliament to do something in the matter during the present Session, because the Orders made by the Department in 1870 and 1871 would not have any force after next September, and the Orders in question would be confirmed by the Bill. The Bill further proposed to establish a uniform system of election, by extending to the country districts the principle which had been already adopted in the election of the School Board for the metropolis—namely, that of Ballot, and which had been found to work well. The noble Marquess concluded by moving the second reading of the Bill.

Moved, "That the Bill be now read 2ª."—(*The Lord President.*)

THE MARQUESS OF SALISBURY said, his objections to the Bill were founded partly on its substance, and partly on the procedure proposed. He thought it wrong that an ordinary Continuance Bill, introduced at that period of the Session, should be made to carry with it so important a principle as the introduction of the Ballot for the first time into the school-board elections in the country districts. Even if he were not an opponent of the Ballot, he should think this a very unwise precedent, for there was no ground for such an extension of the Ballot, and there were several reasons against it. In the first place, he denied that the Ballot had been admitted as a recognized system in Parliamentary and municipal elections. The Ballot was on its trial there. That was the compromise made between the two Houses. Secret voting was allowed a trial, but had not been definitely accepted. Why, then, should their Lordships adopt the Ballot, as was now proposed, without any limitation as to time, in the school-board elections? When the trial of secret voting was over, and the success of the system assured, there would be no objection to extend it to the school-board as well as to other elections. School-board elections were not, however, analogous to Parliamentary and municipal elections. They belonged rather to the class of elections for Poor Law Guardians, Highway Boards, and vestries, forming part of the local government of the country districts, and there was no reason why the new system of voting adopted for Parliamentary and municipal elections should be brought into the management of parochial affairs. Almost all their Lordships who were acquainted with the country districts would admit that such an innovation would be exceedingly distasteful. A noble Duke (the Duke of Argyll) admitted the other day that there was a strong reluctance among the country clergy, amounting almost to aversion, towards the Education Act. The change now proposed would make the Act more distasteful than ever, and was it wise to load a system which was already disliked, with additional elements of unpopularity? One great danger, moreover, in the Ballot was, that it would deprive the people of all interest in Parliamentary elections, and if so, by equal reasoning the same would happen in the case of municipal and school-board elections. In fact, that had been eminently the case at a recent School-Board election in Lambeth, where, though considerable feeling was aroused by the fact that the denominational and secular systems were pitted against each other, only 7 per cent of the whole constituency could be induced to come to the poll. That was the result of the Ballot, which the noble Marquess said had succeeded very well in London. In the country districts, too, the Ballot was disliked still more than in London, and was regarded as especially un-English; and the result there would be, that large numbers of the electors would stay away from the poll and the elections would be discredited. He had not spoken of the penalties of the Bill, for the simple reason that he considered this was no mere formal enactment, and that it raised a distinct and important question of policy and of principle which the circumstances of the country districts made extremely undesirable there, and which ought not to be introduced at that period of the Session, above all in the form of a mere Continuance Bill. Their Lordships, moreover, must not be asked to read the Bill a second time and make alterations in Committee. They knew by experience the result of adopting such a course, and were not going to fall into such a snare again, and the better course would be to throw out the Bill. No inconvenience could possibly arise from their taking such a course, since the Government could immediately introduce another Bill, simply continuing the present powers of the Education Department. As to the present measure, he asked their Lordships to resist an innovation which would endanger the progress of education in the country districts, and he would, therefore, move that the Bill be read a second time that day three months.

An Amendment *moved,* to leave out ("now") and insert ("this day three months.")—(*The Marquess of Salisbury.*)

VISCOUNT HALIFAX thought that when the Ballot applied both to Parliamentary and municipal Elections, it would be absurd to make a distinction in the mode of taking elections for school boards. The Ballot was already in use for the election of the London School Board, and he could see nothing unwise or inconsistent in endeavouring by the Bill under discussion to extend the system through the country.

On Question, That ("now") stand part of the Motion?—Their Lordships *divided:*—Contents 42; Not-Contents 46: Majority 4:—*Resolved* in the *Negative;* and Bill to be read 2^a *this day three months.*

MASTERS AND WORKMEN (ARBITRATION) BILL—(No. 234.)

(*The Lord Kinnaird.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD KINNAIRD, in moving that the Bill be now read the second time, said, that its object was to give greater facilities than now existed to masters and workmen for the purpose of settling their disputes by arbitration. In bringing it forward as he had done, he regretted that he was deprived of the advantage of very valuable assistance, in consequence of the absence of a noble and learned Lord (Lord St. Leonards), who took a great interest in the question, but who, owing to age and infirmity, was not able to be present on this occasion. In 1866 or 1867 Lord St. Leonards had introduced a measure called the Conciliation Act, the object of which was to enable masters and workmen to submit their differences to arbitration; but that Bill provided more for the present and the past, and its machinery was so complicated that it had not been found to confer those benefits which otherwise would have arisen from its operation. Lord St. Leonards, however, had seen the present amended Bill and approved of it, and it would make better provision for the future than the Bill of the noble and learned Lord had done. Its object was to enable masters and workmen to agree to go before a Court of Arbitration, and when they had so agreed they were to be bound afterwards by the decision of the arbitrator. In 1869 a Commission was appointed to inquire into the working of Trades Unions, and that Commission recommended a Court of Arbitration, but that it should be voluntary. This Bill carried out that recommendation, because it was altogether permissive; and every precaution was adopted to ensure that neither masters nor men should be taken by surprise. It was accordingly provided that the conditions upon which the parties should go to arbitration should be placed in the hands of every man concerned, and he was to have 48 hours to make up his mind on the subject. The question of wages was not touched by the Bill of Lord St. Leonards; but under this Bill both the hours of labour and the wages to be paid—questions which were now exciting so much public attention—might be arranged. In short, any subject of difference might come before the arbitrator, and when he had settled it by this Bill, the parties on both sides would be bound. In the ironworks in the North of England the greatest benefits had arisen from Courts of Arbitration, both to masters and workmen; questions of wages had been amicably settled, and no strike had occurred for a long time. The men themselves were most anxious for a measure of this kind to enable them to meet their masters upon equal terms, without resorting to a strike, and at a very large meeting of Cleveland miners at Nottingham, a resolution was passed declaring that Boards of Arbitration and Conciliation were the only reasonable way of settling the disputes that inevitably arose between capital and labour, and they most earnestly urged on the Cleveland mine-owners the desirability of establishing these Boards. In short, he firmly believed that if their Lordships passed this measure it would tend to put an end to strikes. He begged to move the second reading of the Bill.

Motion *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Friday* next.

TREATY OF WASHINGTON.
THE BRITISH COUNTER CASE.
OBSERVATIONS.

LORD REDESDALE rose to call the attention of the House to the fact that in the Argument or Summary showing the points relied on by the Government of Her Britannic Majesty, in the 116th and 117th sections, it is stated that—

> "The relation actually held towards the United States by the people of the Confederate States, who were the active agents in inflicting the losses complained of, and by whom, according to the reasoning of the States themselves, the neutrality of Great Britain was violated or eluded, is itself an argument against these demands. Those States are part of the Union, and would share in any benefit which would accrue to its public revenue from whatever the Arbitrators might award to be paid by Great Britain. On what principle of international equity can a Federal Government so composed seek to throw upon a neutral, assumed at most to have been guilty of some negligence, liabilities which belonged in the first degree to its own citizens, with whom it has now re-entered into relations of political unity, and from which it has wholly absolved these citizens;"

and in the Counter Case, after these objections had been stated to the American Claims on general principle, at page 133 were the following words:—

> "The British Government, however, while deeming it right to present these considerations to the notice of the Arbitrators will not omit to deal with the *ulterior* questions which must arise in the event of the Arbitrators being of opinion *that claims of this nature are not absolutely inadmissible,* should the United States succeed in establishing any failure of duty sufficient to support them in the judgment of the Tribunal;"

He would therefore ask the Secretary for Foreign Affairs, Why this preliminary objection to the Claims on general principle, which in the Counter Case is thus declared ought to be properly determined before the several Claims are investigated, and which, if admitted to be good by the Arbitrators would render a lengthy inquiry into these Claims unnecessary, is not so placed in "the Argument or Summary" lately presented to the Arbitators, and when and in what manner it would be brought before the Tribunal at Geneva? The noble Lord explained that he had on several occasions drawn attention to the subject, and that he did not receive much countenance from the Government at first, although they eventually dealt with the question in their Counter Case. The matter, however, was an important one, and he begged to put the Question of which he had given Notice.

EARL GRANVILLE: The noble Lord has certainly shown great constancy in regard to this particular argument, and he always refers to it in terms of reproach to the Government. He says that he received no encouragement from me when he first brought it forward last year. I believe that on that occasion I did what was perfectly right on my part; I gave him no encouragement and no discouragement. The noble Lord, however, must not think that he has a sole property in that argument. It has been considered by Her Majesty's Legal Advisers; and not only by them, for I have had letters from different persons—some of great authority, and some of no particular authority—suggesting the use of that very argument. But with regard to all, I have pursued the same course. I stated to my noble Friend the other day, that the reason why this argument did not appear in our Case, was that the Case was a mere statement of facts. Our Counter Case, however, was a statement of arguments, and that of my noble Friend formed part of it. In our Summary of Arguments it also finds a place; but it is not put at the commencement for this obvious reason—that the Treaty expressly provides that the Tribunal should begin by determining, with regard to each vessel, whether this country has been guilty of any act or omission contrary to the three rules laid down in the Treaty, or to any international law not inconsistent with those rules. The question of pecuniary reparation will thus only arise in case of a decision in regard to any vessel being given against Her Majesty's Government. That is the opinion of Sir Roundell Palmer, and therefore it was proper that the Argument should follow the course prescribed by the Treaty itself. I would rather not add anything to what I stated on previous occasions, beyond giving this sort of explanation to my noble Friend. The Tribunal at Geneva is now sitting. I cannot answer to the House for what they may think it discreet and wise to do; but I am sure there are two things that would be very inexpedient. On the one hand, it would be unwise for me to enter into any discussion as the comparative value of particular arguments, or as to the mode of conducting our case before the Arbitrators; and on the other hand, it would also be very unwise for me, unless under very exceptional circumstances indeed, to interfere with the conduct of a Case which has been committed to hands we think so thoroughly competent to deal with it.

SLAVE TRADE (EAST AFRICAN COAST).

MOTION FOR AN ADDRESS.

Lord CAMPBELL, in rising to move—

> "That an humble Address be presented to Her Majesty, praying that such measures as are necessary to assist the cruisers employed in the repression of the Slave Trade on the Eastern Coast of Africa may be adopted,"—

said: At so late a period both of the Session and the evening, I shall not attempt to do justice to the question, but I ought perhaps to state that the Motion has been twice adjourned in order to secure the presence of the right rev. Prelate, who bears the honoured name of Wilberforce, amongst us. In spite of that delay the annual Reports upon the Slave Trade have not been delivered; and it is generally thought to be more proper that a question of the kind should be debated after they appear. Should the Address be carried, as I trust it will be, by the spontaneous action of the House, more good will be effected than by any statement, however cogent in its details. The question has assumed a form which tends to give the interference of the House a greater practical utility than could have formerly belonged to it. It has become a struggle between the Foreign Office and the Treasury, in which the side espoused by Parliament is nearly certain to prevail. The Foreign Office have displayed a creditable zeal to bring to a legitimate conclusion the labours and the sacrifices of Great Britain in East Africa. The Treasury—as it is clear from evidence presented to the other House of Parliament—are not disposed to second the exertion. To overcome by the opinion of the House, and the opinion of the country, the obstacles created by an arrogant, although perhaps, a well-meaning Department, which of late years has been inclined to usurp the powers of the State, is the single object of the Motion. As 10 years have elapsed since the subject of the Eastern Slave Trade came before the House, it may be worth while to glance at the general position which it seems to have arrived. My Lords, the policy began in 1815, and narrowly preserved in 1850, of blockading the sea-board of Africa, in order to arrest the Slave Trade, and so to pave the way for the improvement of the Continent and the development of its resources, within the last few years has had upon the Western Coast a triumph little hoped for. On that coast the Slave Trade which formerly involved the annual export of 80,000 Africans, has been put an end to. A large and growing commerce in the natural productions of the country has succeeded to it. It is no longer necessary to cruise upon the Western Coast, or keep up the mixed tribunals for adjudicating upon slavers. The Eastern traffic, on the contrary, has baffled our exertions to repress it. It has two distinct lines from Zanzibar to Arabia; from the Portuguese dominion of Mozambique to Madagascar. It would cease if the Sultan of Zanzibar, and the authorities of Portugal saw the question in the light in which it is regarded in this country. It would cease if the Treasury could be induced by Parliament to give effect to the convictions of the Foreign Office. In that event the whole Continent of Africa would be exposed to the civilizing influences which, as Dr. Livingstone has shown, are now disastrously obstructed. My Lords, these statements do not rest upon assertion. The Slave Trade from Zanzibar was thoroughly investigated by a Committee of the Foreign Office, who sat under the direction of Lord Clarendon, and whose Report is before Parliament, dated 1870. It has been more recently explored by a Committee of the other House, whose views and whose researches may be found in our Library. There is a great coincidence in the opinions formed by these inquiring Bodies. They concur as to the prevalence of the Slave Trade from Zanzibar to the Red Sea. They concur as to the desolation it produces for many hundred miles in the interior of Africa, the loss of life, the sacrifice of wealth, the encouragement of strife, of cruelty, of barbarism, which results from it. They both point to certain measures for extinguishing it. According to their judgment the treaties with the Sultan ought to be revised; the transport of domestic slaves along the coast to be restrained; and the gradual extinction of domestic slavery to be provided for. As these measures would involve the Sultan in pecuniary loss, indemnity for his annual payment to the Government of Muscat has been suggested. It is also pointed out that the system of cruising should be materially strengthened. Among the most important of the conclusions to which the Committee of the Foreign Office and the Committee of the House of Commons has arrived is—that Zanzibar should be a depôt of liberated slaves, with a view to the supply of labour to meet its wants under a renovated system. Those who wish to understand more fully the case of Zanzibar may refer to the evidence of Mr. Vivian, who appeared as the representative of the Foreign Office; of Sir Bartle Frere, the late Governor of Bombay; of General Rigby, for many years the British Consul at Zanzibar itself; of Mr. Waller, the companion of Dr. Livingstone in Africa; of Sir Leopold Heath, who commanded the Squadron on the Eastern Coast, before the House of Commons. It is still more essential to refer to the evidence of Sir John Kaye, as it substantiates by documents the assertion, with which I set out, on the struggle of the Foreign Office and the Treasury. Neither the Committee of Lord Clarendon nor the Committee of the Foreign Office throw much light upon the Slave Trade to the South of Zanzibar, from Cape Delgardo to Delagoa Bay—the territory claimed by Portugal. They may have thought that Dr. Livingstone, in his last work on the Zambezi and its tributories, sufficiently exhausted that part of the subject. Dr. Livingstone is, no doubt, a most effective witness against Portugal. From him, too, we learn to realize the Slave Trade at its fountain head. He gives the ancient pictures of the Slave Trade a reality which did not formerly belong to them. By his aid we are convinced that it really is a bar to the development of Africa, although not a force sufficient to eradicate the present race and leave the country open to another one. From him also we learn the vanity and folly of counting on Portugal as an ally, unless British agents are assisting, and in some degree directing her. For the last 10 years there has been no British representative on that extensive sea-board. Dr. Livingstone himself had the nominal appointment of Consul at Quilimane; but his instructions and his mission led him to a distance from the coast. Against that striking want, Lord Brougham, the right rev. Prelate I have mentioned, Major General Rigby, the late Mr. Buxton, and this House itself, have equally protested. Its consequences—

some of them at least—are easy to appreciate. The cruisers—for we do profess to cruise upon those waters—are left in hesitation and obscurity as to the mode of operating against the Slave Trade. The Portuguese authorities are deprived of all encouragement on the one hand, of all restraint on the other. The Cabinet of Lisbon, from the absence of any witness to be cited by our Government, may give whatever version they desire to anything which happens in that region. The Sultan of Zanzibar, who cannot overlook the vacancy in question, is led to think that he may safely disregard the class of obligations which Portugal is lured to violate, and yet exhorted to fulfill. A position so derogatory to the pride and fatal to the object of this country can only be ascribed to the enthusiasm of financiers. The cynical may think that all Departments are unscrupulous; but none will go out of their way to court humiliation and give the States, whom they habitually admonish, a *locus standi* to expose and to refute them. Such, however, will be the conduct of the Foreign Office, if it desires to perpetuate the vacancy. The same force which is known to render the Committee of Lord Clarendon inoperative, may be fairly held responsible for every deficiency.

My Lords, as I am told, a certain doctrine has been thrown out to extenuate this policy. It is not devoid of plausibility and subtlety, and seems to emanate from minds indifferent to great objects, but too much controlled by popular opinion to decry them altogether. It is that the ambition of the country ought to be contented with what it has effected on the Western Coast of Africa; that as that trade had been directed for many years to the West Indies, and her own possessions in them, Great Britain was under a peculiar obligation to eradicate it; but that as she had no hand in the creation of the Eastern Slave Trade, and derived no profit from it, she has not any duty in contending with it. The answer to this doctrine will suggest itself as soon as we inquire into the object for which the Slave Trade has been met by so long and costly a resistance. My Lords, it has not been resisted by this country only with a view to save life or diminish pain, or mitigate atrocity—although those are laudable pursuits, but for the great political result of civilizing Africa. In 1792, Mr. Pitt, speaking with the approbation of both parties, in that sense with splendid power, defined and enforced the object of Great Britain. But the existence of the Eastern Slave Trade is as fatal to that object as the existence of the Western. The great lesson Mr. Waller and Dr. Livingstone have taught from their experience is, that population, industry, and commerce vanish before the advancing Slave Trade like wood before advancing fire; and that the dealers year by year are carried further from the sea-board they have quitted. By this process they are brought at last to the middle region of the Continent, and work the very countries which the extinction of the Western trade has lifted to comparative prosperity. We thus see, without a deep investigation, that the triumph of Great Britain and the Powers which have acted with her, is useless until it is complete. While the Indian Ocean is ineffectually watched it is an idle toil to guard against this destructive traffic the Coast of Guinea and the waves of the Atlantic. Transactions, compromises, middle-terms, are frequently desirable; but in this particular pursuit, until you grasp the whole the half is certain to elude you. But if the doctrine were more admissible and cogent than it is, the moment for applying it has vanished. For 30 years we have committed ourselves to exertion against the Eastern Slave Trade. The Treaties by which Portugal and Zanzibar are bound down recoil on us with double obligation. The long series of despatches in which we have remonstrated with both those Powers are pledges to the world of an implacable hostility to the Slave Trade on the Eastern Coast of Africa. Noble Lords who can recall the period of 1858 and 1859, must be aware that in our resistance to that Slave Trade we endangered for a time our harmony with France, and nearly lighted up the flames of war in Europe. Whether the policy is bad or good, we are now irrevocably bound to it. At least £1,000,000 sterling must have been expended in pursuing it. Brave men who form the ornament of the naval service have been detained in unwholesome climes and hazardous exertions to advance it. Before the great success which we commanded on the Western Coast, and which is made the pretext of the language I am combating, such language would have been more respectable and less specious than it is at present. It might have then been urged that opinion being divided—as it really was, upon the efficacy of our system, nothing should be hazarded upon the Eastern Coast until the experiment had justified itself upon the Western. The position now would be that because the Slave Trade has been arrested from Cape Verde to the southern point of Africa, it ought to be permitted to rage from the Straits of Babel Mandeb to the mouths of the Zambezi, while we possess the demonstrable power to control it. Such a mode of thinking will hardly satisfy the classes by whom the Slave Trade was originally held up to indignation in the country. It will not even suffice for the colder and more balanced politicians who doubt whether we ought to have originally gone to the East Coast of Africa in order to protect it. Such minds are ready to admit that many things which ought not to be begun, if once begun can never be relinquished with propriety. Even they habitually accept *Aut non tentaris, aut perfice* for a maxim which applies to modern as well as ancient times; which bears upon the dignity of States as well as on the fame of individuals. As regards the Address which merely urges Government to take the necessary measures for supporting cruisers they do not venture to withdraw, there is not a motive for resisting it, beyond that comic and traditionary hatred with which all Governments look upon all Motions. If the Foreign Office are entitled to the credit I have given them the Motion cannot be repugnant to them. If they are not it would appear to be the indispensable and urgent duty of your Lordships to adopt it. These observations may suffice to uphold the proposition I submit, although not to exhaust a question of such variety and moment.

Moved, "That an humble Address be presented to Her Majesty, praying that such measures as are necessary to assist the cruisers employed in the repression of the Slave Trade on the Eastern Coast of Africa may be adopted."—(*The Lord Stratheden.*)

THE BISHOP OF WINCHESTER, in seconding the Motion, said, that he did so, on the ground that he believed Great Britain had thoroughly determined to do whatever was right and was in her power to put an end to this cursed traffic. There was very great ignorance in England at that moment as to the amount of the Slave Trade on the Eastern Coast of Africa; but as far as he could ascertain from the best evidence he could obtain, 90,000 slaves were exported from that coast annually, and as each slave exported cost the lives of from five to ten natives, no less than from 350,000 to 500,000 persons were yearly carried of by the man-hunters who carried on this trade, in order to supply the materials of this system of slavery. He thought if the country were to realize what that grievous evil really represented, it would not rest without taking more active measures to remedy, if not at once to put an end to it. It was not, however, merely the misery of those who were thus sentenced to slavery or death, but it was far more to the desolation which the system carried into Africa itself to which he referred. Dr. Livingstone, a thoroughly trustworthy witness, said that when in 1851 he first went to the shores of Lake Nyanza he found cultivation carried to a high degree. He heard cotton mills at work on every side, and saw the flourishing products of man's labour everywhere. But 10 years after, when the Slave Trade had been driven, by the necessity of finding fresh victims, to the lake, all that remained was a handful of people who fled at the sight of any strangers, fearing they might be man-hunters seeking for fresh victims. If we neglected to check this Slave Trade on the Eastern Coast we should abandon the work which our fathers had done, and to a great extent make useless the sacrifices they made. He was convinced that the people of England were by no means ready to do that. After reading carefully through the evidence taken before the Committee of the House of Commons and before the Foreign Office Committee, it appeared to him that a hearty determination on our part would enable us in a short time to sweep away this great evil from the earth. Both the Committees to which he had referred had recommended that we should use the great influence we possessed with the Sultans of Muscat and of Zanzibar, to place this trade upon a different footing from that which it at present occupied. Under the existing Treaties we were bound not to interfere with the home Slave Trade of Zanzibar, nor with the slave ships within certain limits which carried on the trade with

Arabia, Persia, and Madagascar. The great evil of that arrangement, however, was that the owners of slavers were tempted by it to run the gauntlet of our cruisers beyond the prescribed limits, and that the slaves confined on board those ships endured most dreadful sufferings. In his opinion this country ought to enter into fresh treaties with the Sultans of Zanzibar and Muscat, under which provision should be made for the immediate extincion of the export trade, and for the speedy termination of the home trade in slaves. The Sultan of Zanzibar would soon find out that, by relinquishing that part of his revenue derived from this miserable traffic, his income would not be diminished, because it would be enormously increased by the enlargement of legitimate trade. During the past six years the ligitimate trade of Zanzibar had increased from £245,981 to £487,693, and if the Slave Trade were abolished, and the legitimate resources of the country developed, in a short time the advantage to the Sultan's revenue would be enormous. It was proposed in the Committee of the House of Commons that we should for the time take upon ourselves, charging one-half to ourselves here and one-half to the Indian Revenue—which would be greatly benefitted by the arrangement — a sum of £8,000 a-year; and by making the Sultan of Zanzibar clear from the payment of that £8,000 a-year we could obtain his assent to a Treaty that would enable us in a short and ascertainable time to do away with that great abomination from the face of the earth. What, however, was necessary for carrying out any Treaty—even the Treaty which we had at this moment — was a very slight addition to the expense that we incurred now; and with regard to that point, there was no economy so bad as the spending of a large sum and yet leaving that large sum just below what was requisite to do the thing for which the money was spent at all. What was wanted was a small increase to our Consular establishment on the Coast of Zanzibar itself—where that traffic prevailed, and also a very small addition to our cruising force, so as to make it effectual for its object. It was proved in evidence before the Committee of the House of Commons, that the whole increase of force that would be necessary to stop that traffic would be to have permanently three cruisers and one launch, with power for the Consul to employ occasionally at certain times of the year, one additional cruiser. In the Report of the Committee of the House of Commons of last year, it was stated that a proposal had been made by which the cost of the maintenance of the Consular Agency at Zanzibar should be divided between the Imperial and the Indian Revenues, as the duties of that Agency were partly of an Imperial and partly of an Indian character; but the proposal was negatived by the Lords Commissioners of the Treasury; and, in consequence of that refusal, matters had been brought to an entire dead-lock. That was not a satisfactory state in which to leave things; and he, therefore, hoped to hear from the Foreign Secretary that that dead-lock was no longer to continue; and unless something were soon done, he believed that a public feeling would arise in this country which would demand some further action on the subject. That further action ought, he thought, first of all to consist of an earnest endeavour to bring the European Powers to co-operate with us, for there was manifested in France a considerable desire to join with us in that matter. A remarkable book had lately appeared in France, in which the writer boldly charged the English people with a want of honesty and truth in their efforts to put down the Slave Trade, asserting that we wished to maintain it as an excuse for keeping a certain force on that coast in order to keep down French influence there. Nothing more ridiculous could hardly be put forward by a French writer of reputation than the idea that England was actuated by such motives; but, at the same time, he thought that that fact marked the readiness of the French mind to unite with us in earnest exertions to extirpate that abominable traffic. He also thought that Germany and America, who were both interested in the extinction of that traffic and the opening of legitimate trade, might in like manner be induced to join with us in such efforts; and he felt assured that the mind and will of Europe expressed on that point would deliver those regions of the globe from groaning under such grievous wrongs. Their Lordships would, perhaps, pardon him if he spoke strongly on that question, because he felt that if in any degree this generation shrank back from that which their fathers had undertaken, or suffered from inertness or any other cause an evil which they had pledged this country to put down to spring up again without using every means in our power to stay it, we should be in danger of bringing again upon this land those curses the entail of which he trusted might have been cut off. The best examination that could be made into the origin of the cholera in 1869, when that plague made its appearance in Europe, traced it to the regions of the Red Sea, and to the caravans of those very wretched slaves who were left dead and dying in every part of their course; and it would seem as if in that way these unhappy creatures avenged the cruelties which they suffered by leaving that curse in the air where their bodies perished. He ventured, then, to express his firm belief that the country did expect and would require that everything which could justly and honestly be done should be done to suppress that evil traffic.

LORD STANLEY OF ALDERLEY said, he trusted that the right rev. Prelate would not think him wanting in either respect or sympathy, if he opposed the Motion. He had not had the advantage of seeing the Slave Trade Blue Book or the Report of the Commission; but he had been informed that the Report of that Commission, which had been appointed by the late Lord Clarendon, in consequence of his observations upon abuses committed by some of Her Majesty's cruisers in the Mozambique Channel, and which he had made to their Lordships when he had had the honour of addressing them for the first time, had justified some of the observations which he had then made. He would not now again repeat arguments upon the great difference between the traffic in negroes on the West Coast of Africa, and that carried on on the East or Mozambique Coast, but he thought that the noble Lord (the Lord Stratheden) had made his Motion at an inopportune moment, and appeared not to have heard or read the debate that occurred a few nights ago on the kidnapping of the Fiji Islanders, when it was stated that the South Sea Islands extended over many degrees of latitude, and that there were not enough of Her Majesty's ships to watch over the proceedings of our Australian fellow-subjects in those seas. Now, responsibility, like charity, began at home, and while we were not responsible for the doings of the Portuguese or the Arabs on the East Coast of Africa, it would not be disputed that this country and Her Majesty's Government were responsible for all the atrocities now committed in the South Sea Islands by our own subjects. He had been informed that the cruisers belonging to the China Station did not come sufficiently to the South, and that the cruisers belonging to the Australian Station did not go enough to the North; so that there was a gap between those stations which was not visited by Her Majesty's ships, and which would have to be filled up; so that it was more probable that ships of war would have to be despatched from the East Coast of Africa to look after the new and far worse Slave Trade of the Fiji Islands than that more ships could be sent to the Mozambique Channel. The noble Lord had complained that the Portuguese authorities in Mozambique did not efficiently co-operate to put down the Slave Trade; but those who made those complaints chose to forget the way in which the Portuguese authorities, in 1857, at the request and with the approbation of Her Majesty's Government took measures to prevent the traffic in negroes, and captured the French vessel *Charles and George*, which was carrying away negroes from Mozambique, and how England left Portugal unsupported and allowed the French to carry off the *Charles and George* from the Tagus with a high hand, after that vessel had been condemned by regularly-constituted tribunals, and found guilty of carrying away negroes against their will, and after the exportation of negroes had been prohibited, and that prohibition made known at Paris and in the Island of Bourbon. The Government, he thought, might be trusted to do that which was just and necessary without further instigation on the part of the House.

EARL GRANVILLE said, he thought that the very short statement he had to make would induce the noble Lord to withdraw the Motion. The accounts which had been published of the horrors of the particular Slave Trade in question might be regarded by persons ignorant of the subject as sensational; but judging from the Reports of the Royal Commission, and of the Parliamentary

Committee, as well as from Reports which Her Majesty's Government had received from other quarters, he believed that those descriptions were not in the least exaggerated. The noble Lord, however, had failed to distinguish between the Slave Trade on the East and West Coast, although there were many points which showed the trade on the West to be much less horrible than that on the East Coast. Admitting, then, that it was expedient we should take a leading part in the suppression of this horrible traffic, he said it was also necessary that we should do so in conjunction with other Powers, and with this in view he had communicated with France, the United States, Germany, and Portugal, stating the facts and asking for co-operation. A most cordial reply had come from the United States, and a very similar answer had come from France; Portugal at first desired to make inquiries on the subject, but had since, within the last few days, expressed a desire to co-operate, and finally, the German Government wished to consult certain Chambers of Commerce interested in general trade with the district, but he had little doubt that a favourable response would eventually be received from Germany. The recommendation that a line of steamers should be provided, securing monthly communication with the Coast had also been favourably considered by the Government, and he was happy to say that two great companies had made a joint offer to undertake a monthly steam communication with the East Coast. That offer was at this moment before the Board of Trade and the Treasury, and there was every reason to believe that it would be accepted. If such a communication were established, he believed that it would have an important influence in developing legitimate traffic and in collecting information. Her Majesty's Government had likewise come to the conclusion that it would be desirable to place a Resident at Zanzibar, his salary to be defrayed, one-half by the Revenues of India, and the other by the Imperial Exchequer. Under the circumstances, therefore, seeing the Government were doing their best with the question, he hoped his noble Friend would withdraw his Motion.

Lord CAMPBELL said, he had listened with anxiety to the noble Earl

the Secretary of State, with a view to ascertain whether there was any ground for the withdrawal of the Motion. The noble Earl had neither controverted the position that the Treasury had offered obstacles to the repression of the Slave Trade on the East Coast of Africa, nor had he alleged that those obstacles were in the course of being surmounted; the good intentions of the Foreign Office had not been disputed, and were indeed the very basis of the Motion. If the noble Earl refused to accept the Motion —a proceeding for which no reason had been given—he must take upon himself the responsibility of its being negatived, as the Government appeared to have a majority in the House. The subject excited interest beyond the walls of Parliament. On Thursday the Lord Mayor was about to preside over a meeting on it in the City. Under these circumstances he (Lord Campbell) did not feel entitled to withdraw the Motion.

Earl GRANVILLE, as a middle course, suggested that the Previous Question should be carried.

Lord CAMPBELL said, that to that course he could not offer any opposition.

The Bishop of WINCHESTER said, that having seconded the Motion, he would appeal to the noble Lord to withdraw it, lest the fact of the previous question having been moved should give rise to an impression out-of-doors that a difference of opinion existed in the House on the subject. He would add that to insist on the Address would be construed into a touch of the spur to an unwilling and lingering horse when the horse was actually willing and active.

Lord CAMPBELL regretted to differ for a moment from his right rev. Friend. However willing the horse, there might be an obstacle in front of him, which, without the aid of Parliament he could not possibly get over. He would not detain the House, but accept the proposal of the noble Earl as to the Previous Question.

Then a Question being stated thereupon, the Question was put, Whether the Question shall be now put? *Resolved* in the *Negative.*

ELEMENTARY EDUCATION ELECTIONS (NO. 2) BILL [H.L.]

A Bill to amend paragraph three of the Second Schedule of The Elementary Education Act, 1870—Was *presented* by The LORD PRESIDENT; read 1ª. (No. 240.)

House adjourned at Eight o'clock,
to Thursday next,
Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 23rd July, 1872.

MINUTES.]—SELECT COMMITTEE—*Report*—East India Finance [No. 327].

SUPPLY—*considered in Committee—Resolutions* [July 22] *reported*—ARMY ESTIMATES.

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Countess of Mayo's Annuity * [268].

Ordered—First Reading—Royal Military Canal Act Amendment * [270].

First Reading—Ecclesiastical Dilapidations Act (1871) Amendment * [269].

Second Reading—Military Forces Localisation (Expenses) [222], *debate adjourned.*

Committee—Intoxicating Liquor (Licensing) [198]—R.P.

Committee—Report—Municipal Corporations (Borough Funds) (*re-comm.*) [138]; General Police and Improvement (Scotland) Supplemental * [238]; Law Officers (England) Fees * [257]; General Police and Improvement (Scotland) Act 1862 Amendment * [250]; Factories (Steam Whistles) * [263].

Considered as amended—Local Government Board (Ireland) * [90]; Parish Constables Abolition * [255].

Third Reading—Railway Rolling Stock (Distraint) * [248], and *passed.*

Withdrawn—Building Societies (*re-comm.*) * [153]; Defamation of Private Character * [99].

The House met at Two of the clock.

FRANCE—DEPORTATION OF POLITICAL PRISONERS.—QUESTION.

MR. DODSON asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have, as the result of the instructions sent on the 11th of July to Lord Lyons, received from the French Government an explanation of the transmission from Dieppe to Newhaven by the French police of seven men who in the night of June 29 were shipped on board the steamer "Marseilles," in the custody of or under the escort of the police; and what is the explanation, if any afforded?

VISCOUNT ENFIELD: Lord Lyons brought the cases alluded to by my right hon. Friend at once under the notice of the French Government, and M. de Rémusat promised an inquiry into the circumstances and an explanation. Up to this morning no such reply had been received at the Foreign Office. I may inform my right hon. Friend and the House that instructions have been sent to our Consuls at the various Channel ports to watch the departure of the steamers, and to report at once, both to the Home Government and to Her Majesty's Ambassador at Paris, every case that may recur of foreigners being placed on board these steamers under the superintendence of the French police authorities.

MR. DODSON: When the answer is received from Lord Lyons will the noble Lord communicate it to the House?

VISCOUNT ENFIELD: I will communicate privately with my right hon. Friend when the answer is received, and will then inform him whether I can make it public or not.

SIR ROBERT PEEL: I wish to ask the Prime Minister a Question springing out of that which has just been answered by the noble Lord. It will be in the recollection of the House, that during the course of the present Session many questions have been asked respecting the influx of Communists into this country. We understand that the Government have instructed Lord Lyons to use his best exertions to prevent this influx. No doubt, the Communists are a very criminal class; but in many cases they are misguided, and the victims of circumstances. The Question I have to put refers to an equally dangerous and obnoxious class. I refer to the Order of the Jesuits. My Question has reference to recent acts of spiritual power exercised in Ireland. ["Order."]

MR. MAGUIRE: I rise to Order. Is the right hon. Baronet in Order in indulging in these remarks?

MR. SPEAKER: I trust that the right hon. Baronet will not transgress the Rules of Order.

SIR ROBERT PEEL: I wish to ask, Whether any and what steps have been taken, in compliance with the provisions of the Act of Parliament, to prevent the influx of Jesuits into this country, which dangerous Order, as well as monks, have been banished by the Parliament of

Germany, by a large majority for "plotting," in the language of Prince Bismarck and the Parliament of Germany, under the direction of Rome, against the safety of the German State, and attempting to impair and imperil the civil rights and status of the subjects of that Realm. I wish to know, Whether, if the Government is not taking any steps in the matter, they will be prepared to introduce a short Act to repeal the provisions of the Act of 1829, so as to enable that class of Jesuits and monks to exercise freely their principles in this country?

Mr. GLADSTONE: My right hon. Friend must be conscious that he has put to me at a moment's Notice a Question of a very arduous and serious character—not at all one, I think, to be received except with great gravity; and I should wish, whenever it is mentioned, to treat it myself in the same manner. He can hardly expect me to announce the results of any recent deliberations on the subject. It is quite true that in Germany affairs have tended to bring to a crisis the question of the presence of the Order of Jesuits in that country: but there have been no affairs of that kind in England which have tended to impress upon the question at the present moment any character other than that which it ordinarily bears. We must consider, therefore, what that character is. It is perfectly true there are provisions of the law which are directed against certain Orders of the Roman Church. But, as my right hon. Friend is perfectly aware, that is the law of 1829, and now 43 years old; and at no period since it was enacted, to my knowledge, has any step whatever been taken to give effect to that particular provision of that law. [Sir Robert Peel: Oh, yes!] I speak subject to correction; but I am not aware of any steps that have been taken at any period to enforce that provision of the Act. Under these circumstances, without denying the right of the right hon. Gentleman or any other Member to raise any question upon the provisions of that law, and to challenge the Government to consider whether they will act upon that law or repeal it—which is a very fair question to raise—I am not prepared to place myself on either horn of the dilemma without further consideration. I think that that which has endured for 43 years without occasioning any fatal mischief to the country, may, so far as I am concerned, endure a little longer. In saying that, my right hon. Friend must not suppose that I think lightly of the the matter; because I admit that the question is one of a very grave and serious order.

Sir ROBERT PEEL: I wish to say, in explanation of the Question——

Mr. O'REILLY: Is the right hon. Gentleman in Order in saying anything in explanation of his Question after it has been answered?

Mr. SPEAKER: If the right hon. Gentleman has any Question to ask the Prime Minister arising out of his answer, he will be in Order.

Sir ROBERT PEEL: The reason I put the Question is this—I read the other day in *The Times* newspaper——

Mr. SPEAKER: The right hon. Gentleman is not in Order in entering into a discussion.

Mr. NEWDEGATE: I wish to give a Notice. I introduced a Bill this Session with respect to Monastic and Conventual Institutions, which would promote an inquiry into the subject of the right hon. Gentleman's Question—that is, the influx of Jesuits and monks into this country. There seems, however, to be little chance of the Bill passing this Session. I beg to give Notice, therefore, that it is my intention, in that event, to introduce a Bill for a similar purpose early next Session; and I hope that the Government will give me fair opportunities for proceeding with it.

Sir ROBERT PEEL: I also give Notice, that early next Session I shall call the attention of the House and of the country to the state of the law respecting those classes of persons.

PARLIAMENT—BREACH OF PRIVILEGE.

QUESTION.

Sir WILFRID LAWSON asked the hon. Member for Walsall, Whether he intends to take any further steps with reference to the Petition presented to the House from Manchester against certain provisions in the Government Licensing Bill?

Mr. C. FORSTER: My hon. Friend must excuse me for not giving an answer to the Question until after the meeting of the Public Petitions Committee on Thursday. If he will put the

Question on that day I shall be able to give him an answer.

EDUCATION (SCOTLAND) BILL.
QUESTION.

MR. GORDON asked the First Lord of the Treasury, Whether the Lords' Amendments on the Education (Scotland) Bill, appointed to be considered upon Thursday next, will be placed upon the Paper as the first Order of the Day; and, if not, after what hour these Amendments will not be taken into consideration upon Thursday; and, whether the Amendments will, in that case, be considered on the morning sitting of Friday?

MR. GLADSTONE, in reply, said, it would not be in the power of the Government to proceed with the Lords' Amendments on Thursday as the first Business, because they had engaged to give the House an opportunity of raising a discussion on another subject on that day. He was not aware, however, of any impediment of placing the Bill as the first Order of the Day, but these Amendments would not be taken after 12 o'clock; but any time before that he hoped the House would be prepared to consider them.

IRELAND—CASE OF WILLIAM JAMES GRAY.—QUESTION.

MR. M'CLURE asked the Chief Secretary for Ireland, If he would state to the House under what circumstances a remission of the sentence passed by the Recorder of Belfast upon William James Gray for an assault on Dr. Dill was granted when he had been only three months confined?

THE MARQUESS OF HARTINGTON, in reply, said, that a short time ago a memorial was received by the Lord Lieutenant, numerously signed from Befast, by respectable inhabitants of the town, praying for a remission of the sentence passed by the Recorder on William James Gray. The Lord Lieutenant, according to the usual practice, referred the memorial to the Recorder. The Recorder in his reply recapitulated the circumstances of the case, and said that though he remained of opinion that it was a grave and serious case of assult, yet he was of opinion that it had been committed under the influence of drink, and that it was not premeditated. He added that considering the previous character of the young man, and also the fact that he had been in prison for six weeks previous to his trial, he was of opinion that it would be expedient to remit the remainder of his sentence. The young man had been sentenced to six months' imprisonment, three of which had expired, and he therefore recommended that the remainder of the sentence should be remitted, which recommendation was acted upon. The prisoner was released on entering into substantial security for his good behaviour for 12 months.

IRELAND — GALWAY ELECTION PETITION—PROCEEDINGS AGAINST REPORTED PERSONS.

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE): Sir, in pursuance of the understanding given by my right hon. Friend at the head of the Government, that the Attorney General should state the course intended to be taken with reference to the persons reported guilty of undue influence and intimidation at the Galway county election by Mr. Justice Keogh, I now rise to state the course which we intend to adopt on that subject. I may, perhaps, be allowed, before I go into any details, to state some preliminary matters which the House had better understand, in order that they may more thoroughly comprehend the explanation of the action that I am about, on the part of the Government, to take. The House is aware that a Petition was presented by Captain the Hon. William le Poer Trench against the return of Captain John Philip Nolan for the county of Galway. That Petition was heard during several days during this year, and Captain John Philip Nolan was unseated, the learned Judge reserving the question for the consideration of the Court of Common Pleas whether the learned Judge was warranted in giving the seat to Captain Trench. That question was decided in the affirmative, and the learned Judge issued his Certificate to that effect, which was accompanied by the Report and Evidence now in the hands of the House. In that Report, at page 3, in the first part of the Evidence, I find this statement—

> "I further certify that the persons whose names I have set forth in the Schedule number "One" to this Certificate annexed, were guilty, at and

> previous to said Election, of undue influence within the meaning of the provisions of said Act."

In referring to Schedule No. 1 we find 36 persons reported guilty of undue influence and intimidation. These include the Member who was unseated, Captain John Philip Nolan; his brother, Sebastian Nolan, Esq.; the Most Rev. John MacHale, Roman Catholic Archbishop of Tuam; the Most Rev. Patrick Duggan, Roman Catholic Bishop of Clonfert; the Most Rev. John McEvilly, Roman Catholic Bishop of Galway; the Rev. Patrick Loftus, the Rev. Bartholomew Quin, the Rev. James Staunton, and a number of other clergymen of the Roman Catholic Church, making in all 36 persons. The learned Judge goes on to state in his Report—

> "And I do further report to Mr. Speaker that the Roman Catholic clergymen whose names have been set forth in Schedule number "Two" to this Certificate annexed, being the persons of the same name included in Schedule "One," by threats and denunciations of temporal injury, and spiritual punishment, uttered during or immediately after Divine Service, and from the altars of their respective places of worship, and otherwise, as detailed in the evidence, intimidated and unduly influenced great numbers of the Roman Catholic electors of such County to vote for the said John Philip Nolan, or to refrain from voting against him. And further, it was proved that numbers of such electors who had promised to vote for the said William le Poer Trench afterwards had been compelled to vote for the said John Philip Nolan, or to refrain from voting for said William le Poer Trench, and had avowed they were so compelled by said intimidation and undue influence."

On turning to Schedule No. 2, I find it contains the names of 22 clergymen of the Roman Catholic Church, all of whose names are included in Schedule No. 1, so that there are 36 persons reported against altogether. All the names in the second Schedule are the names of Roman Catholic clergymen, and there is no Bishop included among them. Then I find that the learned Judge goes on to say—

> "And I further report that, although I have found and reported that the Most Reverend John MacHale, the Roman Catholic Archbishop of Tuam, and the Most Reverend John McEvilly, the Roman Catholic Bishop of Galway, were guilty of undue influence, it was not proved that the said Most Reverend John MacHale, Roman Catholic Archbishop of Tuam, or that the said Most Reverend John McEvilly, Roman Catholic Bishop of Galway, sanctioned or had taken part in such denunciations as before-mentioned. And the Most Reverend the Roman Catholic Bishop of Galway proved that any such denunciations in a Roman Catholic chapel, and more especially if made against any person by name, are in direct violation of the ordinances of the Roman Catholic Church in force in Ireland, as enjoined by certain Synodical decrees furnished to the Court, and which are placed upon the Notes of Evidence."

The learned Judge further states—

> "And I have further to report that the Reverend Patrick J. O'Brien, parish priest in the archdiocese of Tuam, who was the proposer of the said John Philip Nolan at said Election, publicly announced on the morning of the polling, at the polling-place in Tuam, to a gentleman of the Protestant persuasion, who had there voted for the said William le Poer Trench, that 'there would not be a hair of his head disturbed'—that nothing would be done to him—'that they were all renegade Roman Catholics, who would be excoriated.'"

That is all I think it necessary to state at the present time with reference to the Report. Now, Sir, under these circumstances, this Report having been presented to the House and the Evidence, and these having been printed, it was my duty, as Attorney General for Ireland, quite irrespective of any authority or action of the House, to consider what I should do in the premises. I have looked—I need hardly say with the greatest care—into all the evidence; I have read it with the closest attention and the greatest accuracy, and I trust that no Member of this House will think there has been any unnecessary delay in bringing forward my course of action. As a Member of this House, of course I have to attend to my duties in that capacity. As Attorney General for Ireland—as my right hon. and learned Friend opposite (Dr. Ball) knows, perhaps better than most others—I had to supervise all the prosecutions at the pending Assizes, and I had besides to read and carefully consider all this evidence. Not one moment was lost; but time was taken which, perhaps, might more judiciously have been spent in other ways. I found, Sir, that the statute which imposed a duty upon me in connection with this case was the 26 and 27 of the Queen, c. 29, s. 9. That section, taken in conjunction with the 16th section of the Parliamentary Elections Act of 1868, which substituted the Report of a Judge for that of a Committee of this House, imposed the duty upon me of considering this matter, and I will read to the House the words imposing that duty—

> "Such Report and the Evidence shall be laid before the Attorney General, with a view to his instituting a prosecution against such persons, if the evidence should, in his opinion, be sufficient to support such a prosecution."

Now, the duty, it is plain, is imposed on me irrespective of any Order of this House. No Order has been passed by this House to prosecute any Member for corrupt practices since June, 1863, when, on the Motion of the then hon. Member for Knaresborough, who is now Member for Boston (Mr. Collins), a prosecution was ordered by the House of Mr. Barbour, who was the Member for Lisburn; but the then Attorney General for Ireland, who is now Lord Chancellor, stated that the Report had been laid on the Table before the Act had received the Royal Assent, and therefore he did not think it necessary or right to introduce any change in the practice of the House. Since then this Act has passed, and the duty is cast on the Attorney General, in his official capacity, to consider whether the prosecution should be instituted or not. From the earliest moment I had the evidence before me —and it being my business to ascertain the position I occupied with respect to this matter, and considering the case was one of such gravity and importance, involving so much not only to the persons concerned, but to the well-being not alone of Ireland, but of the whole Empire—I thought myself justified in obtaining every assistance I could in arriving at a sound and legitimate conclusion upon this matter. I have had the assistance of my learned Colleague the Solicitor General for Ireland, who came over here for the purpose; but I have also had the opportunity of conferring with my hon. and learned Friends the Attorney and Solicitor General for England, and what I have now to state as the result of such consultations I am authorized to say is the result of our common opinion. I do not, Sir, put that forward for the purpose of freeing myself from responsibility. I take the responsibility upon my own shoulders to the fullest extent. I share that responsibility with no person; but I think I was entitled to ask for that assistance, more especially as on some of the matters before me I arrived at a different conclusion from that of the learned Judge who tried the case, and out of respect to him, as well as from an earnest desire to arrive at a right conclusion, I availed myself of that assistance, which was freely given. But the responsibility is mine, and mine alone. I will now, Sir, state the conclusion at which I have arrived. I have arrived at the conclusion that—in the words of this section—"the evidence be laid before me and considered by me," that there is evidence, in my opinion, sufficient to support a prosecution of a number of persons who are referred to in these Schedules. I will state the names of these persons. There are 36 names in all mentioned in the Schedules. The names are common to both Schedules. The Rev. Peter Conway, whose name appears in both Schedules, is since dead, so that only 35 remain—namely, 35 in the first Schedule, and 21 in the second Schedule. I have arrived at the conclusion that there are grounds for prosecuting 24 of these persons; that there are grounds for prosecuting the Most Rev. Patrick Duggan, the Roman Catholic Bishop of Clonfert, for undue influence; that there are grounds for prosecuting Captain John Philip Nolan, and Sebastian Nolan, Esq., his brother; and that there are grounds for proscuting 19 Roman Catholic clergymen, whose names are contained in Schedule No. 2, being all the clergymen mentioned in that Schedule except three—one being the Rev. Peter Conway, deceased; another being the Rev. Timothy Keevil; and the third being the Rev. Francis Kenny. The following are those against whom prosecutions are to be instituted:—The Bishop of Clonfert, Captain P. Nolan, Mr. S. Nolan, the Rev. Patrick Loftus, the Rev. Bartholomew Quin, the Rev. James Staunton, the Rev. Thomas Considine, the Rev. John O'Grady, the Rev. Jerome Fahy, the Rev. James Furlong, the Rev. Patrick Cannon, the Rev. Coleman Galvin, the Rev. Michael Byrne, the Rev. Eugene White, the Rev. Thomas Walsh, the Rev. James Madden, the Rev. William Manning, the Rev. Malachi Greene, the Rev. Patrick Coen, the Rev. Francis Forde, the Rev. William McGauran or McGovern, the Rev. John McKeague or McKeirgue, the Rev. John Kemmy, and the Rev. P. J. O'Brien. I am not satisfied that there is sufficient evidence for subjecting the Rev. Timothy Keevil or the Rev. Francis Kenny to a trial before a jury. The House must know that very different considerations influence a case when presented before a jury on a criminal prosecution to those which influence the mind of a Judge in trying an Election Petition. The prosecutions in this case must be instituted under the section of the Corrupt Practices Prevention Act of 1854, which declares that if any person, directly or indirectly, by himself or through any other person acting on his behalf, is guilty of a misdemeanour, he shall be subject to the penalties prescribed by the law. There is a section in the same Act, providing, in the same terms, that a Member shall be unseated if, through himself or his agent, he is found guilty of corrupt practices; but to unseat a Member is one thing, and to convict him of a misdemeanour is another. In the case of "Cooper and Slade," which came before the House of Lords, a different construction was put upon the Act—that the agent was a special agent, and that there must be some knowledge in the mind of the person employing him that he was about to be guilty of corrupt practices; or otherwise it would be a fearful thing that a man, by the doctrine of constructive agency, should be held to commit a misdemeanour. Now, having regard to these circumstances, and to the fact that it was not proved before the learned Judge that the Roman Catholic Archbishop of Tuam and the Roman Catholic Bishop of Galway had sanctioned or taken part in the denunciations which had taken place, I am not able to satisfy myself that there are sufficient grounds for putting those Prelates on their trial. The conclusion I have therefore come to is—that 24 of the persons mentioned in these Schedules must be put on their trial: 19 out of Schedule No. 2, and 5 out of Schedule No. 1—namely, the Roman Catholic Bishop of Clonfert, Captain Nolan, Mr. Sebastian Nolan, the Rev. John Kemmy, and the Rev. Patrick J. O'Brien. I need not state that in the discharge of this duty I have felt it to be a most painful act to arrive at this conclusion, and I do not think that any well-judging or right-thinking man would differ from me in that respect. It is the most painful duty I was ever called upon to discharge, and I trust that I may never again be called upon to discharge one so painful. Nevertheless, it was my duty, and I could not shrink from it. The satisfaction I have is this—that what I have done is approved by my own conscience in the discharge of the solemn duty of the high office which I hold, and, looking solely to the discharge of that duty, I have nothing to apologize for, and nothing to regret.

Mr. MITCHELL HENRY: Mr. Speaker, with a view to put myself in Order, I intend to conclude with a Motion. I do not wish to enter in the least degree into any controversy on this subject; but I desire to take this, the first opportunity which has presented itself to me, to state that I have the honour to number amongst my constituents that right rev. Prelate who is about to be prosecuted by the Attorney General for Ireland. I have also the honour of numbering amongst my constituents a number of the priests whose names are contained in the Schedules which have been referred to. But, Sir, amongst the names which have been inserted by the learned Judge in these Schedules are the names of two other Bishops in the county of Galway — the Archbishop of Túam and the Bishop of Galway. These three Bishops—the Bishop of Clonfert, and the other two whose names I have mentioned—have all petitioned this House that justice might be done them. The only mode in which justice can be done to them, is by submitting their cases to the decision of a Judge and a jury. They have petitioned this House to be tried by their Peers, and by the verdict which may be given they will stand or fall. But I protest, with all the energy of which I am capable, against the injustice of selecting one of those three Bishops, when the learned Judge himself draws no distinction between them as regards their guilt in having exercised undue influence, and as being properly subject, as he states, to severe and personal and degrading penalties under the Act of Parliament. I beg to move that this House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Mitchell Henry.*)

Colonel WILSON-PATTEN: I do not wish to enter into any discussion upon this subject at the present moment. The Attorney General for Ireland has stated the case with great fairness; but I want to know whether, in consequence of that statement, Her Majesty's Government intend to take any other course on Thursday next than that of allowing the Motion of the hon. and learned Member for Limerick (Mr. Butt), which stands first on the Paper, and on which there are two Amendments—to be proceeded with? I beg to ask my right hon. Friend whether he intends to leave the matter as it now stands, or whether the Government will take any other steps in the matter than they have already announced?

MR. GLADSTONE: In answering the Question of my right hon. Friend opposite I would venture to express a hope that, although the adjournment of the House has been moved, it will not be supposed that this is a fitting occasion for a general discussion of the question. I trust the House has at once comprehended the purpose with which the very clear, and, I think, dispassionate, statement of my right hon. and learned Friend was made. It was stated by him to be only just to the House, which has been invited by Notices of Motion to a discussion of the general question of the Galway Election, that the House should be placed some time before that discussion came on, and at the earliest possible moment compatible with the discharge of his arduous duties, in complete possession of the view that he took as to the important and arduous duty imposed on him by the Act of Parliament. It was for that purpose, and to place the House in possession of certain information material for the cognizance of this House, that this statement was made. Then my right hon. Friend opposite naturally asked me whether, in conjunction with the statement of my right hon. and learned Friend, Her Majesty's Government intend to take any steps which they have not as yet announced to the House? My answer to my right hon. Friend will be that Her Majesty's Government have before them with perfect clearness the course which it will be their duty to pursue; but they have to recollect that there are other parties in this case, and especially there are hon. Gentlemen who have given Notice of Motions, and the Government wish to place these Gentlemen particularly in possession of the intentions of the Attorney General for Ireland. But the only question as to which the Government wish to be informed is, what course those Gentlemen severally intended to pursue. If we understand —and I do not ask for an answer at this moment, because they may wish for a few hours to meditate upon the statement which has just been made—if we understand that they intend to persevere in the precise course that they have marked out for themselves, we shall immediately announce the course which we intend to take. But I think it is better that we should wait and give them the course of the day to consider what has been stated, and if they see cause to alter the Notices they have given, or to take the course they have announced, it will be our duty to take the circumstances into consideration. There will be no delay on our part, and the moment we know what is intended to be done by those Gentlemen—whether the Motions are to be altered or not—we will at once state the course we shall pursue.

MR. BUTT: As far as I am concerned, I am quite ready to go on with the Motion which stands in my name. I think the time has come when the House should have a distinct answer as to whether I shall be permitted to bring on that Motion on Thursday or not? [Mr. GLADSTONE: Oh, yes.] I thought there was some reservation. [Mr. GLADSTONE: No.] There is another matter that in some respects affects the privileges of the House. I understood the Attorney General for Ireland to say that the provision which existed in the old Corrupt Practices Act, by which the evidence was to be laid before him for his sole determination, was contained in the Election Petitions Act. I am not prepared to acquiesce in that view. So far as I can judge of the Election Petitions Act, I am disposed to think that provision does not apply to the Report of a Judge that these parties are guilty of under influence under that Act. I do not give that as a definite opinion; but I think it ought to be looked into before any final determination is arrived at: because, if the 9th section of the Corrupt Practices Act does not apply to the Report of a Judge under the Election Petitions Act, then I apprehend that, according to invariable practice, the Attorney General ought not to originate a prosecution unless ordered to do so by this House. I am by no means prepared to say that I acquiesce in the interpretation that has been put upon the Election Petitions Act, and I reserve to myself any course of action which I may think proper to take hereafter.

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE): What I stated was, that, according to my opinion, the 9th section of 26 & 27 *Vict.* c. 29, coupled with the 16th section of 31 & 32 of the Queen, c. 125, imposes upon me the duty which I have undertaken to discharge. I can only form an opinion for myself. I may, however, state that my learned Colleague the Solicitor General for Ireland is of the same opinion, and that the Attorney and Solicitor Generals for England agree in that opinion. The four Law Officers of the two countries are, therefore, all of one mind, and I intend to act upon that united opinion.

DR. BALL: The Attorney Generals have conducted several prosecutions in the North of England for bribery, without any orders from the House.

THE ATTORNEY GENERAL: I may mention that when I was Solicitor General under the late Attorney General, Sir Robert Collier, all our prosecutions of this description were instituted when the House was not sitting.

MR. GLADSTONE: I may perhaps be allowed to explain what I thought I had made clear before—that is, that we do not intend to interfere with respect to the order of Motions on Thursday, but simply to open a day for the discussion of the Galway Election, either on an original Motion ourselves, or else not to interfere with the constituted Orders of the House. We shall, therefore, propose, I apprehend, in the ordinary course, that the Orders of the Day on Thursday should be postponed until after the Notices of Motion relating to the Galway Election have been disposed of. I understand that my hon. and learned Friend the Member for Limerick is prepared to go on with his Motion. [MR. BUTT: Hear, hear!] If so, we shall certainly not interfere, or attempt to deprive him of his right to priority.

Motion, by leave, *withdrawn.*

MILITARY FORCES LOCALISATION (EXPENSES) BILL—[BILL 222.]

(*Mr. Bonham-Carter, Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [15th July], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. HOLMS moved that the Bill be read a second time that day three months. He said he had from the first opposed the scheme, because he believed it to be based on an unsound principle, and entirely opposed to the principles which the Government urged upon the House in 1870 and 1871, but which they had now deliberately abandoned. He did not blame the Government for having so long delayed the introduction of the Bill, although he had from time to time, along with other hon. Members, endeavoured to obtain from Government an earlier period for its introduction and discussion. It appeared to him that the House should consider well before it put the country to the vast expenditure of £3,500,000. The scheme of the Government was preceded by a Memorandum drawn up by a Committee appointed to consider the organization of the military forces of the country. That Memorandum was dated on the 22nd of February last, from which time the question remained dormant until the 15th of July, when the present Bill came on for a second reading, although only a week previously a supplementary Report from the same Committee had been circulated among hon. Members. The supplementary Report showed very clearly that the Committee had not yet made up its mind as to what the scheme ought to be in its entirety. He thought the House was greatly indebted to the right hon. Baronet the Member for Droitwich (Sir John Pakington) for drawing the attention of the House the other night to the importance and magnitude of this question; and, for his own part, having the strongest conviction that this was not a measure adapted to this country, he rejoiced to see that the Members of the House had at last risen to a full conception of the vastness and importance of the subject. He had always said—and would say again—that the more this measure was understood by the country and the House, the less it would be liked. Nor had he been without witnesses continually coming forward to show that that was the case; and one of the last and most important was the hon. and gallant Member for West Sussex (Colonel Barttelot), who had at first accepted the scheme, but who did not now believe that it stood so well with the country as it had done at first. He had asserted what he would now venture to repeat, that a large number, if not the majority of the military men in this country were dissatisfied with the scheme of the Government. ["No, no!"] He repeated that he had evidence in his possession to show that was the fact. ["No, no!"] Among the numerous letters which he had received on the subject was one from Major General Sir John Lintorn A. Symonds, dated the 10th of July, and he expressed apprehensions that the new depôt centres about to be established at a cost of £3,500,000 would have a serious and damaging effect in postponing the real reform of the Army, which he believed could only be brought about by placing trained soldiers in the Reserve. The question, he said, hung altogether on the time that was necessary to make a soldier, and he asserted that 99 out of 100 officers were of opinion that three months' annual training of the Militia would not answer the purpose. The same officer expressed his conviction that the depôt centres would prove a failure, and that the system would lead to idleness and inefficiency among the officers and non-commissioned officers. For his own part, he believed that if the tongues of the officers of the British Army were let loose for one day, or if they were asked to vote by Ballot as to whether they were for or against the scheme of the Government, they would decidedly declare against it. Such an expression of opinion coming from an officer of such high standing was in itself a reason, among many other reasons, why the House ought to pause before agreeing to this Bill. But there was another strong reason for delay, and that was because the Committee was not up to that moment ready to declare that this was the right measure. The supplementary Report, which was presented at a most fortunate moment, made it perfectly clear that certain counties wherein depôt centres were not to be established did not wish their men to go to the centres which it was intended to establish in other counties. Therefore, the Committee proposed to leave the Militia battalions at their existing headquarters, at least in the first instance. They stated in their first Report that they desired to buy the Militia headquarters, stores, and barracks; but now they said they would not purchase them, in the first instance, at all events. Then, as regards Ireland, it was stated that complaints had been received from certain places in that country to the effect that barracks existing there were not occupied by the regular troops; and it was expected that one result of taking a number of barracks on creating depôt centres for the accommodation of the Militia battalions would be to cause the Government to station regular troops at those places where barracks existed. There was a further reason why the House should ask for a short delay. In counties where it was not proposed to introduce depôt centres, the Militia authorities and the county interest generally were in favour of such depôts; whereas most of the large towns objected to depôt centres being established among them. ["No!"] He adhered to the statement he had just made. For these reasons, the House would, in his judgment, do well if they left the measure unpassed in the present Session. The Organization Committee had, no doubt, considered this question for four or five months; but they had not yet decided what was the best scheme. If the present measure were not passed, they would have seven months longer to complete the scheme; and if it were a wise and a sound one it would live and be strong in February next, when it would pass without difficulty. On the contrary, if it were weak and a sham, as he believed it was, it would die as quiet and as natural a death as its best friends could wish. In reference to the first Report of the Committee, two points struck him forcibly. One was, that although £3,500,000 might be the maximum cost in relation to the 66 depôt centres, it would not be the entire cost in relation to the scheme, because the counties where it was not proposed to locate depôt centres would ask to have them established there. Besides, every depôt centre would become a spending centre, adding every year to our enormous Army Estimates. It would be found by-and-by that this measure was intended to do little beyond extending the Militia, and establishing certain recruiting depôts. The Committee in their supplementary Report spoke of this as a system devised expressly for the benefit of the Militia; but if the Militia was the force on which the Government intended to rely, the House should have been told so before voting the money for the abolition of purchase. The Government in this Bill completely abandoned the principles which they had laid down in 1870 and 1871. On the second reading of the Army Enlistment Bill, the Secretary of State for War expressed his own concurrence with the opinion that "the system of short service lay at the root of Army reform," and defeated by a majority of 66 an Amendment proposed by the hon. and gallant Member for West Sussex (Colonel Barttelot) to extend the period of three years' service to five. The right hon. Gentleman at the head of the Government, speaking upon the Army Estimates last year, and referring to the scheme of the Secretary of State for War, said—

> "The mind and judgment of the country is set upon carrying forward with rapidity of execution the plan which has been formed for the efficient introduction of the system of short service . . . . and for the formation of those Army Reserves which we must hereafter look to."—[3 *Hansard*, ccv, 489.]

He had supported the Government loyally through the whole of the abolition of purchase controversy, believing that the officers of the Army would be really professional in the future, more thoroughly under the control of the War Office, and therefore men who would more quickly bring up the Army and its Reserves to a proper standard of efficiency in drill and discipline. If he for a moment had thought that by taking this course he was encouraging and intensifying the Militia force, he should have voted against the Government obtaining one penny for the abolition of purchase. And what had been the "rapidity of execution" with which the formation of an Army Reserve had been pushed on? According to the Army Estimates now on the Table the Reserve Force number one—the only one on which they could rely—only showed 1,000 of an increase

Mr. CARDWELL was sure the hon. Member wished to be accurate; but he did not know what he could mean by saying that the increase in the Army Reserve only numbered 1,000 men.

Mr. HOLMS repeated his statement. Last year the Estimates made provision for 9,000 men of the Army Reserve; this year the number stood at 10,000, showing that this "rapidity of execution" of which the right hon. Gentleman at the head of the Government had laid such stress consisted in adding in 12 months 1,000 men to the Army Reserve. He believed he was right in stating that on the question of short service the Army practically stood very much where it did 25 years ago. There were many Members present better acquainted with the facts than himself. [Mr. Cardwell: Hear, hear!] He had said that the term of enlistment now was really the same as 20 years ago—for an army must consist of a fair proportion of the various branches of the service, and enlistment in the Cavalry, Artillery, and Engineers was still, as heretofore, for a period of 12 years. He did not think the Secretary of State for War would contradict that statement. Accordingly, the Government, even yet, were hardly upon the road to a short-service system, though the country were asked by this Bill to expend £3,500,000. He could not go as far as the hon. Member for Merthyr Tydvil (Mr. Richard), who desired to have no Army at all; but he was sincerely desirous of doing anything he could to diminish the evils attending a celibate Army. By a Report dated the 13th of July, 1871—the latest which he could find — it appeared that out of 180,000 men in the Army, 57,000 were over 30 years of age, 20,000 were over 35, and a considerable number over 40. He looked upon the formation of an Army Reserve as the opening of a door by which these men might be allowed to go back to their own homes and to the ordinary occupations of life. Was there any Gentleman in the House who could tell, after all the discussions which had taken place, what the constitution of the Army would be in three or four years? The position of things at the present time could scarcely be considered sound, because it was clear that Englishmen were in a better position to predict the probable state of the armies of Europe in any given number of years than they were to foretell the probable condition of their own armaments. Was there anyone who would show where the economy was to come from? It cast a stigma and discredit upon England as a nation of business men, able in their private concerns to conduct enormous undertakings with profit, that she should at the present moment, in time of peace, be expending upon her Army a sum of money so frightful as that which appeared upon the Estimates. So far from economy being likely to result from the scheme now under consideration, he believed that if it were adopted they would in a very few years see the largest Estimates ever known in England in time of peace. If the scheme had been proposed by the party now sitting in opposition it would have been so pulled to pieces in that House that there would have been no chance of its adoption by Parliament. Even if they were then on the right road, many years must elapse before a sound system of Army administration could grow up, because much required to be done in the way of decentralization, and the scheme proposed was not a step in that direction. He could not admit that the establishment of depôt centres, such as were contemplated by the Bill, would tend to increase the efficiency of the Reserve Forces. That could only be done by increasing the area of the centres, and planting them in districts where the men composing the Reserves could, when not in actual training, easily obtain employment suited to them. There were already in existence over 100 barracks, conveniently seated in different parts of the country, and he would suggest that they should be used in order to ascertain the practicability of some such plan as he had shadowed forth. It was proposed to establish recruiting depôts—recruiting traps he would prefer to call them—in different parts of the country; but he did not think they would be of any use as long as the present mode of treating soldiers remained in existence. Let the men be better treated and have greater inducements offered to them to join, and then it would not be necessary to do more than to advertise in the newspapers in order to obtain as many recruits as were required. He wished to see England strong in her peace; but no nation would, in his opinion, be likely to regard her as occupying a sound position for defence if they judged her by the present scheme of reorganization. The present Administration had done much good work of late years; but if they persisted in a scheme such as was now under consideration—increasing the Militia and neglecting the Reserve of trained soldiers —they would inevitably impair the defensive service of the country, and inflict injury, if not disaster, upon the Liberal party. What had occurred in the Navy ought to be a warning to them in dealing with the Army. They had thought that all was right at the Admiralty; but it turned out that much was wrong. A ship was lost, inquiry was made, and then the system was exposed. If it were found that our Army system was equally unsound, we might have to lament more than the loss of a ship. He complained that the House had not had an opporninty for the full discussion of this question. Great responsibility would attach to them if they adopted a plan of that kind without a free and full discussion. If this measure should pass it would retard our attainment of a sound military system. He begged to move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Holms.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR JOHN PAKINGTON said, he was desirous to add a few words to what had been said by the hon. Member who moved the rejection of the Bill, because the House now approached the subject-matter of the Bill under circumstances totally different from those which existed when the Bill was last before them. He agreed with the hon. Member in regretting that the Government had left this important discussion till so very late a period of the Session. It was to be lamented that a matter of such great importance, which had been opened to them in February, should have remained so long without attention. Now, the hon. Member had said that he would divide against the second reading, and, therefore, hon. Members must make up their minds as to whether they would support Her Majesty's Government. He (Sir John Pakington) did not feel it his special duty to support the Government; but it was his duty to give an honest vote, and he could not make up his mind that it was his duty to say "No" to the second reading of the Bill. The change proposed was of great magnitude, and the Government had brought it forward on their own responsibility, and the House had before them the anxious question whether they would be justified in attempting to stop the Government in proceeding with a measure which they thought calculated to give stability and efficiency to our military forces to a degree which they never before possessed. He regretted the change of policy on the part of the Government, which had centred 70 battalions in this country where they were not immediately required; and, although that was not the question now, the battalions being here, we had to adopt such arrangements as would make them most efficient, and such as would, above all, aid the Government in carrying out that portion of their plan, in which he, for one, most cordially concurred, which was designed to bring together in harmonious action the Regular and the Auxiliary Forces of the country. This was one of the main objects of the Government, and to that he subscribed as cordially as any Member of the Government. He always thought the Government were right in bringing the Militia more directly under the Crown, and, differing in this respect from the hon. Member for Hackney (Mr. Holms), he would give greater efficiency and discipline to the Militia, in the hope that it would long continue to be the main Reserve of the Army of England. The hon. Member for Hackney, who had evidently devoted great attention to that subject, seemed to wish to do away with the Militia altogether.

Mr. HOLMS: By degrees.

Sir JOHN PAKINGTON: That is only a question of time.

Mr. HOLMS said, though he was decidedly against the maintenance of a Militia force trained for 28 days, or even for three months, he should not object to a Reserve Force which might pass into another force, which might be called the Militia if Parliament liked. That force would then consist of men who had been three years with the colours, and four with the First Reserve.

Sir JOHN PAKINGTON said, it was clear that on that point no two men could be more widely separated in opinion than the hon. Member and himself. He looked to the Militia as their main Reserve, though he thought the Government were right in trying to form another Reserve. Still, he believed that for all military purposes in this country we must look to the old constitutional Militia as our main Reserve. He should give his vote with reference to the general objects proposed by Her Majesty's Government. In the difficulty in which they were involved by having so large a force as 70 battalions in this country, some plan must be adopted for the disposition, training, and discipline of that large force. He was not prepared to say that this was the best plan that human ingenuity could devise, but it was the plan before them; it was a practicable plan, involving certain obvious advantages, both directly and in connection with the Militia, and therefore he should not feel justified in opposing the Bill. He thought explanations were needed, especially as to the financial arrangements proposed, and he hoped to hear more on that subject, as well as with reference to the barrack accommodation to be provided, from the Secretary for War. He wished to know what was to be done in a county where there was not now any military establishment?

Mr. CARDWELL remarked that in such a case barracks would be built for the depôt companies.

Sir JOHN PAKINGTON also wished to hear something more about the disposition of the second battalions, especially during the winter months, and he should like to hear some explanations with respect to the camps at Shorncliffe and at Colchester.

Mr. GLADSTONE, who rose with several hon. Members, said, he was very desirous not to usurp any portion of the duty of his right hon. Friend the Secretary of State for War, who would in due time answer the perfectly legitimate inquiries which had just been made, but to call the attention of the House to its general position with reference to this Bill. The right hon. Gentleman (Sir John Pakington) might observe that he (Mr. Gladstone) smiled when reference was made to the late period of the Session when this important subject was brought forward, and the reason why he smiled was that he had heard the same remark made with reference to almost every important measure which the House had recently been called upon to discuss. The exigencies of the public interests rendered it impossible, consistently with the limits of human time and strength, to bring all important questions under the consideration of the House with due regard to those conditions of time and convenience which it would be most desirable, if we could, to observe. There was, however, less difficulty in approaching the Bill now than there had been with regard to several other important measures; because, although the House had never yet given a direct vote on the general principle of the Bill, yet it had given other votes on which the general principle of the Bill was distinctly understood to be involved. The right hon. Gentleman opposite had very properly observed that it would not be a legitimate use of the time of the House if they were now to discuss the policy according to which the present Government had acted. Though the right hon. Gentleman conscientiously objected to the concentration of a large portion of the military force at home, he had given his frank approval to the principle of the present Bill. He would, therefore, come to the speech of the hon. Gentleman behind him (Mr. Holms), and he asked himself what distinct idea the House could gather as to the grounds on which it was called upon by him to reject the Bill. He did not intend to say that the hon. Gentleman had not stated objections to the measure. Undoubtedly he had stated all manner of objections; he had stated objections of such a nature, and in such number, that his speech could only be fairly described as a general and hostile review of the military policy and military administration of the country. As regards the military administration of the right hon. Gentleman the Secretary of State for War, the House had not shown any desire to interfere with it or to pass a censure upon it. And as regards the military policy of the country, so far as represented in the principle of the Bill, the House had discussed it, considered it, and approved of it. His right hon. Friend in his statement in the month of February last had not kept back any of his intentions. As far as time permitted he went into unusual detail, and with no small clearness and perspicacity he laid before the House the intentions of the Government as regards a distinct local plan of military organization for the country. The House was aware of the plan, discussed the principal Vote of the Estimates for several nights, and after several nights' debate it was pleased to grant its approval of the general plan of the Government by a majority of 234 to 63. The hon. Gentleman had said that this Bill showed some retrocession from the policy adverted to by the Government in the early part of the year, and he had also supported the principle of having no Militia in this country. He had certainly explained in what sense he was willing to have a Militia; but his explanation made it obvious that his use of the word Militia reduced the question to one of terms, and terms alone, while in respect of substance he sought to abolish the Militia. Now, this Bill, as regarded concentration, and as regarded the maintenance of the Militia, proceeded on the idea that there was to be concentration of the Regular and Auxiliary Forces, and of the Militia in particular. No wonder, then, that the hon. Gentleman, who was opposed to the Militia, was opposed to the Bill, and the Government had not the slightest title to complain of his having moved the rejection of the Bill. But the hon. Gentleman should have moved the rejection of the Bill on the express ground that he was opposed to the Militia, and challenged the judgment of the House on that express ground. That point he had not placed in the forefront of the battle. The hon. Member said that the large towns objected to having depôt centres; but when he made that statement he was met with immediate manifestations of dissent from official and non-official Members. [Mr. HOLMS explained that what he said was that large towns in many instances objected.] "Many" was a word which would be estimated differently, by different persons; but the statement would be totally inaccurate if it described a general rule. The concurrence in the scheme was general, and the objections were isolated and few. With reference to the other complaint that the right hon. Gentleman had not carried into effect all the plans he had sketched out, the hon. Gentleman had made allusion to morality in the standing Army, and lamented that the attention of Parliament had not been sufficiently given to the moral aspects of the question. But the Secretary of State for War was entitled to contend that the policy of localisation, on which this Bill was founded, along with the policy of short service, was a policy which among its other advantages, among its more direct military advantages, went to reduce to a minimum whatever evil there might be attended with the institution of a standing Army with regard to the temptations to immorality of those who belonged to it. The House ought to be reminded of another of the resources of this Bill. On 19th June, 1871, it had been contended by the noble Lord opposite, the Member for Middlesex (Lord

George Hamilton), that the places for storing the arms of the Militia ought not to be provided by the Justices of the Peace at the expense of the counties; but it was contended by him and others that that was a charge which it was fair enough to maintain as a local charge so long as the Auxiliary Forces were not under the direct control of the Crown, and that the change about to be made in the military organization required that the charge should be transferred to the public. Well, the Government did not dispute the principle of the Motion; all they pleaded for was that time ought to be given to them, and they promised they would not lose time; but so strong was the conviction of the House in favour of the principle of the Motion, that Government only succeeded in getting rid of it by a very narrow majority. To give effect to that scheme was one of the purposes for which the Minister of War had introduced this Bill. The hon. Member for Hackney, with all his regard for morality, nevertheless refused to give to the Secretary for War the means for abolishing billetting, which every one else thought it desirable to get rid of. The hon. Gentleman, when speaking of the abolition of the Militia, said he would take time to bring it about. It would take a great deal of time. The objects which the Secretary of State for War had proposed were—first, the policy of short service; second, the policy of a system of large and efficient Reserves, with a view to render it necessary only to maintain a very moderate force in this country with the colours; and third, the policy of combination of the Regular with the Auxiliary Force. These three principles had been fully discussed, and accepted by a large majority of the House; some of them had met with the unanimous and enthusiastic approbation of the House, and to the giving effect of the whole of these three principles this Bill was directly addressed. Was it possible that any Member of the House could forget that the Bill was only a sequel and corollary of a series of measures which had already passed the House? It would be hardly fair, after the House had approved of the principle, to make this Bill a means of reopening the entire question of the military policy which had been brought forward by the Secretary of State for War. His hon. Friend's (Mr. Holms') ground plan was that it was quite impossible for them to know what would be the strength of the Army some years hence.

Mr. HOLMS: What the constitution of the Army would be.

Mr. GLADSTONE begged pardon. That statement, if meant to correct him——

Mr. HOLMS: It was the composition and constitution of the Army to which I referred. I said that no man would be able to tell how it was to be composed; whether mainly by Militia, and how large the standing Army would be, and how large the Reserve would be. I said that no man could tell—and I think no man can.

Mr. GLADSTONE said, if no man could tell, it was not from want of copiousness and clearness in the expositions of the policy of the Government by the right hon. Gentleman the Secretary of State for War. The hon. Gentleman had argued that it was easier to predict what would take place in a foreign country than in our own, and he considered that a matter of hardship. In some respects that was true; but it surely ought to be taken into account that there was a greater degree of freedom among the people and a greater degree of power in the Parliament of this country. It would be, indeed, strange if his right hon. Friend, who had to deal with the free will of the free men he brought into the Army, could predict with the same certainty as a man who could send forth an edict and call upon a man and make use of his services within the conditions of the law as he pleased. What his right hon. Friend had planned and propounded he had planned and propounded with deference to the freedom of the subject and the authority of Parliament. The measure proposed by the Secretary of State for War, although it differed from our former system in making arrangements for a regular, uniform, and systematic application of the resources of the country for military purposes, was yet perfectly elastic and perfectly free, in so far as it left it with the House of Commons in future years to adopt whatever propositions it might think fit with regard to the amount of force, and the composition of the force which might be required by the public interest. The Bill, so far as the principle was concerned—and he admitted that it opened legitimately various questions of detail—was addressed to the purpose of giving effect to the military policy heretofore announced by the Government. That military policy, in its main features and details, had already received the adhesion of the House. Under these circumstances, it was scarcely necessary at the close of the month of July to cripple the War Office, and intercept the active exercise of his right hon. Friend the Secretary of State for War and his coadjutors, by withholding from them at the last moment the means of giving effect to purposes which had already received the deliberate sanction of the House.

SIR WILFRID LAWSON observed that the right hon. Gentleman had laid a good deal of stress upon this being the 23rd of July; but two years ago, on the 2nd of August, the Secretary of State for War came down to the House and proposed a change in his Estimates amounting to £2,000,000, and involving 20,000 additional men. Surely if such a change as that were proposed two years ago on the 2nd of August, they were now entitled to go closely into the policy of the Government on the 23rd of July. The right hon. Gentleman the Member for Droitwich (Sir John Pakington) had got over this Motion in a very nice way by leaving the responsibility of this Vote upon Government, and casting it off from his own shoulders. There were some, however, who could not do that, and who, representing the people who had sent them thither, must speak a word as to the dangerous course Government was entering upon. The right hon. Gentleman the Secretary of State for War had on a former occasion described his policy as intended to blend the Army into one harmonious whole. This Bill, however, would do anything but blend the Liberal party into one harmonious whole. [Sir HENRY HOARE: Hear, hear!] The Prime Minister had argued in favour of the Bill by saying that the House had already sanctioned the policy of Government. But both the Vote and the Bill appeared to be extraordinary when they considered the time when the Bill was brought forward, who it was that proposed it, and the arguments by which it was defended. During the last 10 years they had spent upwards of £260,000,000 upon the Army and Navy; and here was another grand scheme for organizing the whole thing afresh. There was no threatening aspect of affairs in Europe, and Her Majesty's Government had now adopted the glorious policy of arbitration which they had reason to believe would be successful; and, nevertheless, the War Minister came down and asked the House to consent to a larger force than had ever been maintained in a time of peace. Then as to the person who proposed this policy, they should remember that at the last General Election he raised the great cry of the "Abolition of the Irish Church." But the Government rode a second horse—"Retrenchment." They all remembered the eloquent and telling speeches made by the Prime Minister in Lancashire in favour of retrenchment, and the conduct of the Government in bringing forward this large expenditure after their declarations before the country had done very much to shake the confidence of the public out-of-doors in their declarations. One of the most distinguished of the Premier's late Colleagues (Mr. John Bright) had declared that a Ministry which could not govern this country for less than £70,000,000 a-year was not worth supporting. As to that policy, he had listened during the present Session to find out any reason for having such an exorbitant Army, and the only statement he had heard was that, in the face of the enormous military powers on the Continent, the force asked by the Government was not disproportionate or absurd. Who was it that Government wished to protect us from? There was no need for this large Army if Government did not mean to interfere with foreign complications—and as for panic-mongers, they were quite unappeasable. The people of the country towns were afraid of the invasion of vice and immorality to which this new scheme would expose them, and a Petition presented on the subject by the right hon. Member for Oxford University (Mr. G. Hardy) stated that the young people who gathered there from all parts of the country should not be exposed to the temptations arising from the presence of such a class of the population. The right hon. Gentleman the Secretary of State for War must not suppose that he had the support of the whole Liberal party in the policy which he now proposed. On a former occasion when his hon. Friend (Mr. Muntz) moved the reduction of the whole Vote for the Army by £10,000, only 97 Liberal Members could be got to vote for the Government proposals, and they were not supported by a single Member for one of the great towns, such as Liverpool, Glasgow, or Sheffield, unless it were by the minority Tory Member for Leeds. Under the circumstances, he felt that those with whom he was connected were bound to protest against this measure, and to fight the question out, even at the cost of delaying the business of the Session. If the House endorsed the policy of the Government, they must be prepared for a permanent charge of £15,000,000 per annum, and for keeping up a military force amounting to 500,000. That was a policy to which he, for one, was strongly opposed; and if it were carried into effect—as he had no doubt it would be—it would only be by the agreement of the Leaders on both sides of the House; both of whom, however, when out of office, were inclined to speak in condemnation of "bloated armaments." The Bill, if it passed, would pass by the aid of hon. Gentlemen opposite, as had been the case in so many other instances; but he had confidence that the time would come when public opinion would endorse the view which he sought to impress on the House, and which in season and out of season he would maintain, because he believed the policy of the Government was as dangerous as the expenditure was reckless.

Colonel GILPIN said, he would, as an independent Member, notwithstanding the speech of the hon. Member for Hackney (Mr. Holms) and the moral essay of the hon. Member for Merthyr Tydvil (Mr. Richard), vote for the second reading of the Bill. The latter hon. Gentleman had, he thought, hardly done justice to the Army and the Navy. He stated, on a former occasion, that their moral condition was simply appalling, and that a military station, wherever it was located, was a corrupting and demoralising influence. Now, against the justice of that statement he, for one, most strongly protested. The Army and Navy were, to say the least, no worse than their neighbours; and he should like to ask the hon. Gentleman, whether he had never heard of any appalling vice and immorality among the mining population of Wales? It was true that his right hon. Friend the

Member for the University of Oxford (Mr. G. Hardy) had very eloquently declaimed against Oxford being made a depôt; and he was surprised when he heard the right hon. Gentleman say that when the Oxford Militia were being trained in that city, the discipline of the University could hardly be preserved. Now, as a rule, that Militia had not been trained in Oxford of late years at all, and last year and the year before they had been trained at Aldershot, and it was the wish of the colonel that they should be so trained, he probably being as much alarmed at their being exposed to the example of the students as his right hon. Friend that the students should be exposed to theirs. He had yet to learn, he might add, that when the Militia were not trained at Oxford, the proctors or the Castle could be dispensed with. As to the hon. Member for Hackney, he would remind him, when he spoke of the necessity of drilling a soldier for only three years, that the opinion of such men as the Duke of Wellington and Sir John Burgoyne was that the old soldier was the bone and sinew of the Army. He was aware that Major General Sir J. Lintorn Symonds wrote to the newspapers a letter in reference to the Militia; but he (Colonel Gilpin) doubted whether the knowledge of the writer was more than superficial. Further, he did not know what latitude was given to general officers in reference to their corresponding with editors of newspapers; but he could say that if regimental officers on full pay had written such letters to a newspaper, they would not only have been guilty of great indiscretion, but would have acted in a manner that would have been altogether contrary to the rules of the service. He was, he might add, entirely opposed to the scheme of the Government on the ground of expense; for, notwithstanding what had been said by the Chancellor of the Exchequer about its coming out of the balances, it must fall on the taxpayer. He was opposed to the scheme, in the second place, because nothing could be done under it which could not have been equally well done under the old system, and because it gave dissatisfaction in the Army altogether without parallel. The scheme, however, had been sanctioned by a large majority, and under these circumstances he felt it to be his duty to vote—although he did so with reluctance—for the second reading of the Bill under discussion.

SIR HENRY HOARE said, he did not know why it was he sat on the benches below the gangway. He entirely differed on subjects involving patriotic feeling from many hon. Members who sat immediately behind him; but he would remain where he was, thinking it desirable that those benches should be leavened by some solid patriotism. Three peaceful shepherds had already tuned their pipes behind him. The House had listened to the hon. Member for Warrington (Mr. Rylands) and the hon. and rev. Member for Merthyr Tydvil (Mr. Richard). ["Order!"]

MR. HADFIELD appealed to the Speaker to say whether such language was Parliamentary.

MR. SPEAKER said, it was not a becoming expression, and the hon. Member would, no doubt, withdraw it.

SIR HENRY HOARE said, he would do so at once, and at the same time apologize to the House for having used it, in consequence of a slip of the tongue. The House had also heard the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who would no doubt be followed by the hon. Member for Manchester (Mr. Jacob Bright). Now, their reasons for voting against the second reading of the Bill amounted, when analyzed, to this—"We wish to see this country disarmed, because it was stated in the Speech from the Throne that we were on terms of amity with all European nations." Indeed, it had been said by the hon. Baronet the Member for Carlisle that the only foe we had to fear was now prostrate. He, however, deplored the prostration of France, who was our nearest neighbour, our best friend, and our truest ally. Still, the circumstance of France being prostrate was no reason why England should not be in a position to withhold her assent to whatever the new military Power of the Continent might endeavour to dictate to her. Two years ago the Military Estimates were increased by 20,000 men and £2,000,000; but that increase was made in order to enable them to defend Belgium in the event of that country being attacked. But were they not as much bound now to defend Belgium against Germany as they were formerly to defend her against France? Again, were they to connive at the connivance of Prussia with the policy of Russia in the East? They should be armed because they ought to be in a position to resist aggression on their part. It had been stated that the ultimate result of the adoption of this scheme would be to double the Military Estimates, and to throw a vast burden on the finances of the nation. That, however, he denied. He believed the right hon. Gentleman the Secretary of State for War had brought forward a scheme which would ultimately much diminish the military burdens of the country. If they could put their Reserve Forces into a state of real preparation and discipline, and if, in a few years' time, they could pass short-service men into their First-class Reserve, they might ultimately diminish largely the numbers of their standing Army. There were behind him many Gentlemen of the "Peace at any price" party, who would rather not have a standing Army; but he was sure the vast majority of Members of that House, and the great mass of the citizens of their great towns, would not like to see England rendered defenceless against any aggression or invasion. Some of the Gentlemen he had just referred to entertained so profound a horror of war that they would lead a hostile force into Woolwich or Plymouth rather than draw the sword in defence of the country. But he was sure the large constituencies of this country were quite willing to pay the price of its insurance, and the Gentlemen behind him would find themselves mistaken at a General Election if anything happened to affect the honour of this country, which the working classes, above all other classes, held dear, for they were as true patriots as any of the Gentlemen connected with the Army who sat on the other side of the House.

MAJOR GENERAL SIR PERCY HERBERT agreed that the Army was by no means so moral as they could wish; but, at the same time, it should be remembered that the morality of large masses of the population could certainly not be held up as being superior to that which prevailed at our military establishments. There was this difference, however—that what took place in the latter localities was patent and open to view. The hon. Members (Mr. Holms and Sir Wilfrid Lawson) spoke of the position which they were now considering as being one which was likely to break up the Liberal party; but was the existence of the Liberal party to be preferred to the national defence? He did not believe that the two things were inconsistent; and he believed that the breaking up of the Liberal party would be a national misfortune, because the carrying on of Constitutional Government required the existence of two great parties. Shortly before the last General Election, in consequence of the pressure brought to bear on the Government by Members of Parliament, a stop was put to the extension of the system of regimental canteens, which were most beneficial for the improvement of the soldiers, not only because they retailed brewers' beer instead of public-house beer, but because they afforded to the men a well-ordered house, and thus prevented them from going into low company. The hon. Member for Carlisle's reference to the Premier's Lancashire speeches showed the simplicity of the Liberal party, who could not distinguish between speeches made by the right hon. Gentleman when in opposition and those delivered by him while he was a responsible Minister of the Crown. Lancashire was not, however, quite so credulous. The hon. Member for Hackney (Mr. Holms) no doubt brought great fairness and knowledge to bear upon this subject. He preferred a Regular Army Reserve to any Militia that ever existed. A foreign officer of European celebrity remarked to him (Sir Percy Herbert) last year at Aldershot—"Don't trust to your Militia." He replied—"That's all very well, but we have nothing else to trust to." The same answer might be given to the hon. Member for Hackney. No doubt, a Reserve such as the Prussian Army was able to bring into the field, composed, not of raw recruits and Militiamen trained only for a short period, but of men who had been three years in the ranks and who were from 24 to 27 years of age, constituted a very different body from anything we could turn out by means of our Militia. The Landwehr, too, were equally trained for the whole of their three years, and the oldest of these men were only 30 or 32 years of age. It was, indeed, a very discouraging thing to find that there were 57,000 men in our Army over 30 years old. The soldier who had a few years' experience of training and discipline, and had served through a couple of campaigns, was the most valuable old soldier that could be got. To carry out the objects which had been advocated so ably by the hon. Member for Hackney, it would be necessary to have a conscription; but as there was no prospect of this course being adopted by the Government, the only other alternative was a large increase of pay. Judging from the rapid rise of wages, an increase in the pay of the soldier was a question that must soon be faced. It was useless to compare the outlay on the British Army with that upon foreign armies, for in these the soldier was not paid a fair day's wages for a fair day's work, and men were taken from their families to serve whether they liked it or not. Universal liability to serve in the ranks was not compatible with our views at present; but it was possible that when we had undergone the misery of foreign conquest, we might come to look upon the conscription as necessary. Comparisons, again, with the Estimates of former years must always be fallacious, for the state of Europe and the strength and state of preparation of foreign armies did not remain the same. As regards the Navy, persons were never tired of saying that we ought to have a fleet capable at least of meeting the fleets of any two other nations in the world. But without an Army, of what use would our fleet be, unless it was to remain glued to our shores for the purposes of defence. He did not say that our Army should be large enough to meet two, or even one of the Continental armies; but it ought, at all events, to be large enough to meet any force it was likely to contend with. Invasion was not as impossible as it was sometimes deemed. With those who shut their eyes and went into a fool's paradise, argument was impossible; but those who discussed the matter with foreign officers, and persons who had studied the question, would see that surrounded as the prospect of a successful invasion might be with improbabilities, those would cease to be improbabilities if we went to sleep and neglected to take proper measures. Entirely as he agreed with his hon. Friend (Mr. Holms) as to the superiority of an Army Reserve, he did not see any such prospect of its being established as to lead him to throw away the substance of the Reserve which already existed in the Militia for the shadow of a mythical Army Reserve. The belief confessed by the hon. Member that he had voted for the abolition of purchase because he believed it would give the country an Army Reserve was another proof of the simplicity of the great Liberal party. And he warned them fairly that they would not have seen the end of last year's Bill when they had expended the sum of £8,000,000.

MR. O'REILLY said, he heard with regret and with pain, which he could hardly express, such expressions on the part of hon. Members around him, as that this Bill would diminish the political power of the Liberal party. There was something higher than party ends or party advantages, and he thought it greatly to the honour of the Secretary of State for War that he was one of those who set the good of his country above the good of his party. The great objection to the present measure was, that it was a panic expenditure. Now, in his opinion it was the crowning and concluding measure of a comprehensive course of policy. The first step was laid down by the Recruiting Commission, when they recommended localisation, and step by step that policy had been pursued. The abolition of purchase as a necessary step in that direction was opposed by many hon. Gentlemen; but they did not object to the localisation of the Army and its connection with the Reserve forces. With respect to the remarks of the hon. Member for Hackney (Mr. Holms), he was disposed to admit that it might be desirable to have an Army consisting of three years' service men, and numbering from 150,000 to 200,000; but what chance was there of obtaining such a Reserve? It was quite manifest that we could never obtain that large number of recruits for short service. There were one or two difficulties of detail to which he wished to call the attention of the right hon. Gentleman the Secretary of State for War with regard to the organization of depôt centres. They were to consist of depôt companies of the two line battalions connected with them. No doubt the officers placed over them would be men of a certain age and inactive habits; but it would be a great mistake if these depôt companies were allowed to settle into a sedentary service. Another point was this—that if the battalion regiments were to have a real connection with the counties, each should be quartered in the county with which it was connected. He supported the present Bill because it had been introduced for the purpose of completing a policy which had been growing up for the last 10 or 12 years, and which had been accepted by the country.

MR. HENLEY said, it was all very well to urge that Parliament ought not to go back upon its decisions; but he maintained that an expenditure of £15,000,000 upon the Army in time of peace was both unnecessary and unwarranted. Holding that opinion, he could not vote for a measure which would render necessary in the future what he almost felt called upon to describe as a profligate expenditure. In the Army itself there seemed to exist what was, to say the least of it, a considerable difference of opinion as to what was proceeding in the way of attempts to increase its efficiency. A great difference of opinion also existed as to the proposition for bringing the irregular and the Regular forces together—whether the irregular forces were to pull the Regular forces down, or whether the Regular forces were to lift up the irregular. When brandy and water were mixed together, the brandy became weaker, and the water sometimes only had just a taste of the brandy. He hoped that such would not be the effect of the present measure. The right hon. Gentleman the Secretary of State for War in moving the second reading of this Bill endeavoured to console the House by proclaiming his moderation. He said the scheme was founded upon the Prussian system, but he had only taken a small portion of it, and that if he had adopted the whole system he should have had to ask not for £3,500,000, but for £12,000,000. He was afraid they had poor security against being called upon at some future time to pay the residue of the larger sum. [Mr. CARDWELL dissented.] The right hon. Gentleman shook his head, and it was very likely that he would not be called upon to make the demand; but if the scheme as it now stood did not answer, it might be said that the larger expenditure was alone necessary to secure success. This scheme was said to have been based upon the Prussian system; but the circumstances of the two countries were entirely different. The Prussian Army was concentrated at home. Draughts from the

English Army had to be constantly detached to the assistance of her dependencies. The present Government, to their shame be it spoken, had cast off the colonies of England; but if any of those colonies were attacked, no Government could stand which refused to render such assistance as was necessary. With respect to India, who could say that in the course of a few years 15,000 or 20,000 men might not be required? In such an event what would become of the present scheme, and what would become of those places from which they were taken. He could not support the present scheme, because he believed it was not necessary to incur such an enormously increasing expenditure. The right hon. Gentleman had tried to console the House by stating that a saving of £20,000 a-year would be effected with regard to the country. But the right hon. Gentleman did not pretend to relieve them from the debt which they were obliged to incur a few years ago for the provision of suitable buildings. And, besides, what security was there that the £3,500,000 would not be left a dead weight upon the country? Believing the scheme contained in the Bill would in a few years prove utterly worthless, he intended to vote against the second reading of the measure.

Mr. MUNTZ said, he was one of those who agreed with the right hon. Gentleman who had just spoken, that a permanent peace establishment of £15,000,000 was greater than this country required. He accordingly moved an Amendment to reduce the number of men and the amount asked for; but having been defeated by a majority of four to one he felt bound to accept the decision as the opinion of the House upon the subject. The Bill under discussion had been brought in to complete the system then laid down, and in considering its provisions they had discussed the principle of great military establishments—amongst others, the Prussian system; but after all they must come back to the common-sense view of the question involved in the Bill—that of military forces localisation. He never knew an instance where the elements of discord were so combined together as in this discussion. The Reserve principle as adopted in Prussia was based upon conscription, and as so much had been said in its favour he would ask, were hon.

Members ready to adopt it in this country? The men were registered at their births everywhere in Prussia, and when wanted for military service they must report themselves or produce a valid excuse. But if we had a body of Militia Reserve they would be living in all parts of the world, and when wanted on an emergency would it be so certain that they would be found? The Secretary of State for War had gone as far as he dared go in imitation of the Prussian system. His plan would bring about the working together of the various forces, and he asked whether that would be worth nothing? The best recruits would come from the Militia, and in the course of a few years the regiments would be more or less localised. The interest of the money required to carry out the scheme would amount to £118,000 a-year, and if the £70,000 now paid for the billeting system were deducted from that amount there would remain some £40,000 or £50,000 a-year to be raised by additional taxation. But he would be disappointed if ten times that amount could not be saved by the proper management of the depôts and the judicious execution of the various details of the scheme. He would not refer to the pretended demoralization that it was said the system would produce; for if they took any 133,000 young men in the prime of life, with time to enjoy themselves, he was afraid they would not find that they would act so wisely as it might be wished they should do; but if the House abolished the billeting system, would not that be a glorious gain in the path of morality? And then, again, the establishment of separate dormitories for married soldiers, would not that add to morality, decency, and honour, from their being treated as human beings? It was said that the country very much disliked the establishment of depôt centres; but he had heard nothing of the kind in his part of it. On the contrary, in certain localities the people had expressed their delight and satisfaction at the system. The new system as propounded would no doubt at first cause a considerable outlay; but believing that, on the whole, it would tend ultimately to a reduction of expenditure, and that it would work well, he should support the second reading of the Bill.

Captain BEAUMONT said, he regretted that the Bill had been brought in at so late a period of the Session as to preclude the possibility of the proposed scheme being fully considered and discussed. He deprecated the statement of the hon. Member for Carlisle (Sir Wilfrid Lawson), that it must be looked upon as a scheme which must necessarily result in dividing the Liberal party. It was essential that every Member should vote in reference to it according to his conviction, otherwise the Army would be looked upon as a means for keeping the Liberal party in power. The Bill appeared to him to foster a dual state of affairs — that of making the Militia a Reserve for the Army, and, at the same time, forming another Reserve by men who had passed through the ranks of the Regular Army. Such a state of affairs as that could not be right. Either they must look for the defence of the country to the Militia, or to the Reserves that had passed through the Regular Army; but the Bill appeared to countenance the two, with the view of afterwards arranging our policy with regard to them. The system proposed failed in two important particulars. First, as to economy. The country must be thoroughly and efficiently protected, and the question was, what military organization would effect that object for the least amount of money? The Liberal party came into power pledged to economy; but there was not the least shadow of a statement that had recently been made by the Government upon which the country could base any hope of future economy in respect of the Army. The scheme before the House would not be efficient because it did not recognize the necessity of having the *corps d'armée* as the tactical unit comprising in itself all the various departments of the service; and it was not an unjust criticism on the Bill to state that it was more of a recruiting Bill than anything else, and in that sense it might or it might not be a good Bill. In reorganizing a system sound principles should be recognized. The view held by the hon. Member for Hackney (Mr. Holms) was clear and distinct, and he was happy to see that it was gaining ground in the country. When he brought forward a Motion last year, that the Reserves should be formed of men who had passed through the Regular Army, he was met by the Secretary of State for War to the effect that the principle might be good, but that it was perfectly inapplicable to the country. It could not be said it was impossible to carry out the Prussian system without conscription, because the only difference between a free Army and conscription was a matter of pay—the price a country was prepared to give for its soldiers. If the pay of the Reserve were increased, the men could be more surely counted on, and the larger and better the Reserve the fewer need be the number of the Regular Army, so that a large well paid Reserve would certainly in the end be more economical than an underpaid Reserve and a large Regular Army. One defect of the scheme was the excessive number of depôt centres, which would detract from efficiency and yet increase the expense. A large tactical station in the North of England ought to be accompanied with a central Arsenal, and it could be established without an increased expenditure upon that head. The two ought to be considered together. The Bill was exceedingly crude, and showed that the details of the scheme had not received sufficient attention to warrant the outlay of a large sum of money. In conclusion, he expressed his determination to vote with the hon. Member for Hackney.

Colonel C. LINDSAY said, he, for one, was anxious that the Bill should pass without delay, and he said so for two or three reasons. In the first place, because it was a Bill which purposed to carry into effect a scheme for military reorganization, which was fully explained by the Secretary of State for War when he introduced the Army Estimates, and, if he mistook not, it found considerable favour on both sides of the House; also because the money which was asked for was for the purpose of putting the necessary machinery into motion in order to work out the various specifications which were contained in the schedule of the Bill; also because barrack accommodation and store-houses were obviously necessary for the purposes of localisation; and also because no hon. Member had been able to produce a counter-scheme, which was proved by the dead silence which had prevailed on the subject during the last four or five months, which was equivalent to consent, and consequently there should be no opposition or delay in passing the second reading. The question, therefore, resolved itself within a very limited though important compass, and that was the speedy establishment of depôt centres throughout the country. No doubt there were, and would be, conflicting opinions upon the judicious selection of those centres—opinions which were guided by various local interests and influences. But it appeared to him that the right hon. Gentleman was sufficiently fortified by the opinions of his military advisers not to be defeated by any undue and unnecessary pressure that might be put upon him; and as the responsibility of this new scheme, which was consequent upon the abolition of purchase, rested upon the Government and the Liberal party, the sooner it was put into active operation the better. Under these circumstances, he was inclined rather to leave the details in the hands of the right hon. Gentleman, who, be it remembered, forced on a great military revolution last year in spite of the opinions of all the leading and most distinguished officers of the Army; and who had assumed the responsibility of managing the Army in his own peculiar way. He was inclined to saddle the responsibility upon him and the Liberal party, rather than throw obstacles in the way of a measure which was not only inevitable and pressing, but which had been so well considered, and decided to be the best means of carrying out the intentions of the scheme. Now, there was no doubt that an improved organization in the Army was much required before purchase was abolished. But since that event, the Army was, as it were, in a chrysalis state, and would be, and must be, more or less, until the new scheme was actually in operation. For goodness then let the trial be made without delay; and let the attempt to advance the present efficiency of the Army and Reserve forces be assisted to the fullest extent; and, above all, let no false economy be allowed to step in, as was so often the case on these occasions, and like too many cooks, spoil the broth. Now, no doubt the working out of this scheme would be surrounded by various difficulties, which would crop up at every turn, which was generally the case with any new undertaking; but he trusted that the right hon. Gentleman would go forward in spite of them, and endeavour to realize without delay the great object which he had in view of drawing the whole of his forces—bar one—the right hon. Gentleman knew what he meant—into his magic circle of harmony, and when he had got them there, through the instrumentality of the depôt centres, let him prove that his scheme was feasible, and let him and his party bear the responsibility and discredit if it was not. For now that the Army had been deprived of its ancestral character, and was passing through a significant crisis, it was only natural to suppose that the future action of the Government would be of a practical nature, and therefore a step in the right direction. He was, therefore, inclined to assist the object in view, which the Government was bound in its own responsibilities to realize without delay; and he trusted the Secretary of State might succeed in realizing a better state of things than at present existed, which was neither one thing nor the other. It was a great mistake to bring on a Bill such as this at so late a period of the Session, and at so late an hour in the night, as was the case last Monday, for it irritated hon. Members and tended to prejudice its passage by unnecessary argument and consequent delay, especially as most of the argument would have been better discussed in Committee, which would probably be *rechauffé* when the Bill was in Committee. He did not think that the views which had been expressed the other night by the hon. Member for Merthyr (Mr. Richard) were likely to be endorsed by a majority in the House; for they simply came to this—that England would be demoralized if she became a military nation—that the Army was a hot-bed of everything that was vicious and abominable, consequent upon what he called "laborious idleness"—and that therefore for the sake of the morality of the country there ought to be no Army at all. He thought the best answer he could give him was—"Let those who live in glass houses beware lest they throw stones." And when he was on this subject, he hoped that the hon. Member for Merthyr, and those who agreed with him, had read the admirable and unanswerable letter which was addressed to *The Times* last week by an officer commanding a cavalry regiment, in reference to the remarks which that hon. Member had made against the soldiers of our Army. No doubt they had

had the opportunity if they chose to take it; but as other Members might not have noticed it, he would, with the permission of the House, extract two or three sentences in defence of the British soldier whose moral character was so unjustly assailed, and in refutation of the sentiments expressed by the hon. Member for Merthyr. That officer said, in reference to what was called laborious idleness—"My men, on an average, are at work, and hard work too, from 5.30 A.M. to 6.45 daily, and now we hear of laborious idleness." And in reference to the Contagious Diseases Acts, he said—

> "Is it too much to require that, because we are anxious to preserve the lives of our soldiers from the deadly effect of disease, contracted among the civil population, the soldier should not be branded as an outcast from all society? They are unable to defend themselves, and, in their behalf, you must permit me to protest against the attacks which have been wantonly made on their good name."

And he concluded—

> "I unhesitatingly assert that the morality of the Army is infinitely higher than that of the civil population, and it is to me a matter of painful surprise, as doubtless it is to many others, that Mr. Richard should have been allowed, unchallenged, to so recklessly malign the character of the English Army."

The adjournment of the debate between 1 and 2 o'clock in the morning, and not having commenced till past 11 o'clock at night, was ample reason, and he hoped would be satisfactory to the cavalry officer for not challenging the hon. Member for Merthyr there and then. He had taken the earliest opportunity since then, and he hoped that other hon. and gallant Members would do likewise. Now, with respect to this laborious idleness, as remarked upon by the hon. Member for Merthyr, he recommended him to read, mark, and digest the replies, which the Secretary of State for War gave to the hon. Member for the Montgomery Burghs (Mr. Hanbury-Tracy) last Thursday, in reference to the industrial training of soldiers, when he told him that—

> "Pioneers of the following trades — namely, carpenters, bricklayers, smiths, masons, painters and glaziers, plumbers, and gas-fitters — have been selected and appointed in each regiment at home. These men, assisted by others who had learnt trades prior to enlistment, have performed a portion of the barrack repairs, and have worked for the Royal Engineer Department. Regimental workshops have been established at some stations by the re-appropriation of accommodation where it could be spared. . . . . Endeavours will be made to utilize military labour as far as possible."

He held in his hand the Army Military Labour Return on the Employment of Soldiers in Trades and Industry during the year ending the 31st day of March, 1871, which was issued that morning to hon. Members; and he thought the hon. Member for Merthyr would do well to analyze it, for it would show him how the system was working in every regiment on the Home station, also the working pay that was earned, and it contained remarks from every commanding officer, together with results, and it summarized the total saving to the public. Now, laborious idleness was a very plausible expression, and it was one which might tickle the ears of those who shut their eyes and opened their mouths like little children who were told to do so, and see what they would get. But to those who —unlike the hon. Member for Merthyr— did know something about the life and occupations of the British soldier, such a description was as worthless as it was contrary to fact, for he had yet to learn that the habits, and inclinations, and intrigues of the civil population of our provincial towns was less vicious and abominable and demoralizing than the habits of the soldier. No; for if the comparative test of morality was to be applied by the hon. Member for Merthyr to the civilian as well as the soldier, he would find there was little or no difference between the gauges. Had the hon. Member condescended to visit a soldier's barrack and acquaint himself with the daily routine of barrack life and its obligations? Not he, for if he had he would have found that the frequent and almost hourly calls which discipline and duty imposed upon the soldiers, must effectually break the monotony of a laborious idleness which might otherwise exist; and he would also have informed himself that there were other compulsory employments unseen, and therefore unknown to those who, like the hon. Member, were not familiar with the mysteries of barrack life, and which at once refuted such an ill-applied expression. The hon. Member for Merthyr had written a long letter that morning to *The Times*, in corroboration of the sentiments which he had expressed on a previous occasion, and he quoted his brother's (Sir James Lindsay's) evidence before a Royal Commission some years ago in reference to the monotony and idleness of the soldiers' life, and its bad effects, which was quite true at that time. But the hon. Member forgot that since that evidence was given the industrial training of the soldiers and the attention that had been paid to their recreation and reading occupations, which were now in full force, had become matters of fact, and that everything was done to give the soldier an interest in his time, when on duty or off. He could not agree with what fell from the hon. and gallant Member for Durham (Captain Beaumont) when he inferred that every town protested against the placing of a depôt centre into it, because, from what he could make out, the feeling was very much the reverse, in corroboration of which, he believed, he was correct in saying that deputation after deputation had waited on the Secretary of State in favour of these centres being established in particular localities other than those that had been decided upon; and he had yet to learn that the establishment of troops in various parts of the country was unpopular. His experience, on the contrary, told him that in former years, before Aldershot, Shorncliffe, and Colchester were constituted into camp and training centres, the quarters of troops in provincial towns was most popular, and an advantage in many ways, for it circulated a considerable amount of money in the localities, gave a tone and a spirit throughout the district, and made the Army popular, and consequently encouraged recruiting. But the hon. Member for Durham joined in the cry that there were too many soldiers in the country; so there were. But, he asked, who was it that supported the policy of withdrawing our regiments from the colonies? The party to which the hon. Members for Merthyr and Durham belonged. And, now that the colonial service had been concentrated, as it must be somewhere in the limited area of the British isles, there was a sort of panic for fear of the swarms of these essences of vice and abomination forming permanent settlements all over the country. He confessed that he was surprised at such a paltry feeling of alarm; but as our small Army could not be reduced, the majority of the electors of England, Scotland, and Ireland, whose feelings were so well represented in the present Parliament, must grin and bear it, as the result of the policy of their party. Now he thought that the following explanatory remarks which the Secretary of State made the other evening were such as to commend the principle of localization to the favourable judgment of the House of Commons and the country. He said—

> "The scheme laid on the Table would enable every colonel in every district, when called upon by instructions from the central authority, to arm and equip all the Regular Forces, and to call together the Reserves and to place them under arms without any reference to the War Office, or to any depôt other than that which he commanded."

Now, he congratulated the right hon. Gentleman upon this clear and business-like explanation, as also upon the first blow that had really been struck at that detestable though hitherto unavoidable red tapeism of the War Office—a system that had always interfered with the responsibilities of those in command, and which had been such a drag-chain upon simultaneous action, which was one of the great attributes of organization. No doubt this scheme was far from perfect; but they must be grateful for any improvement, if it be so. Now, all must be agreed that the odious system of billeting for the Militia, when out for training, being abolished, was a step in advance; for it was distasteful both to the landlord and the tenant, and it was a decided interference with the liberty of the subject, and subversive of the maxim that every Englishman's house was his castle. It was a happy result of the new scheme of organization, and would, no doubt, be fully appreciated. It must be borne in mind, however, that the right of billeting, when absolutely necessary, still existed in order to provide for movements on emergency; but as far as the training of the Militia was concerned it was abolished. Now, before he went to another subject, he wished to know from the right hon. Gentleman what his intentions were with respect to the metropolitan training-ground for Volunteers — for instance, where he proposed it to be established in the town; and what would be the principle upon which it was to be used by all? It was a question of considerable importance to the Volunteers, but until he knew the right hon. Gentleman's views upon the subject he would not take up the time of the House by raising the question; but he wished to know for what purpose it was intended—was it for the Brigade of Guards, the Militia, or the Metropolitan Volunteers, or for all conjointly? He did not think it could be intended for the Guards, as they had their own training grounds already, nor for the Volunteers at the West-end of London as they had the *entreé* to the various barrack squares, by the kind permission of officers commanding, besides Hyde Park, Regent's Park, and Battersea Park, to all of which they repaired when convenient to themselves. He concluded, therefore, that this training ground must be chiefly intended for the Militia of the district; but as they were only out for so short a time it appeared to be throwing away money to make such a training ground, unless it was at all times available for the East-end Volunteer Corps, who had, he believed, no convenient ground at hand for training purposes. It would not suit the Volunteers of the West-end if the ground was in the East-end, or *vice versâ*. He hoped the right hon. Gentleman would throw some light upon the subject. And now having said this much, he must, before he concluded, refer to one question, and one only—and it was rather an important one—and that was, whether the selection of the depôt centres had been made with a due regard to the health of those who were to inhabit them? He had no doubt they had been, but as a great responsibility and a considerable expense was involved in the matter, the House ought to be reassured of the fact. Now, he mentioned this in consequence of the reply which he received from the Secretary of State a few days ago, when he asked him if the depôt centre of the counties of Oxford and Bucks, which had been fixed for High Wycombe, was to be established in or about Oxford, and, if so, where would be the situation? He was not satisfied with the reply, because the right hon. Gentleman was either unable or unwilling to tell him. He said that if General MacDougal's Committee were to decide upon Oxford, inquiries would be made as to where the most eligible situation could be got at a moderate cost. He was not satisfied at not getting a simple answer to a simple question, considering that the Bill had been on the Paper for the second reading for many days. Far was it from him to imply that Oxford was not the best spot in the two counties for a depôt centre. He believed it was, in a military point of view, owing to its railway and other advantages; but as he did not know on what side of Oxford the establishment would be, and as he did not know that any eligible site could be obtained at a moderate cost, he felt it his duty to point out that a considerable portion of the neighbourhood of Oxford was by no means healthy. For instance, there was everything to be said against the selection of ground in the neighbourhood of Cripley and Portmeadows, inasmuch as those localities were about 18 inches under water for four or five months in the year, and the soil was composed of such a chronic description of soaked matter that no foundation could be made for building purposes under a very costly outlay. Now, in corroboration of what he said, he made it his business a few years ago to inquire into the sanitary condition of this particular locality, having undertaken to oppose the establishment of the Great Western Carriage Works, the directors having been tempted to go there owing to the liberal offer which the Corporation had made of the ground in question. He succeeded in preventing, at the last moment, the job which it was; and the reasons were because of the unhealthy locality, and the enormous outlay that the making foundations would entail before a single brick could be laid. With respect to the objection that had been made to the selection of Oxford on the part of the University, there was no doubt much to be said; but as there were other University towns in the kingdom which possessed their barracks and garrisons, and which got on very well together, he thought that military requirements and convenience, in reference to a great scheme such as this, should be equally consulted, whichever way it might be ultimately decided. Under those circumstances, and being in ignorance as to the intended site for the depôt centre in the neighbourhood of Oxford, he hoped the right hon. Gentleman would not accept any offer of ground in that locality without a medical assurance of its having a clean bill of health. He would be glad to hear what his intentions might be, bearing in mind that if a palace were built on the ground alluded to, with all the latest improvements in drainage and sewerage, and concrete foundation, nothing would be gained, for the surrounding country would still be impregnated with damp and malaria and effervescence of obnoxious vapour which would be most injurious. He hoped that the hon. Member would withdraw his Motion, but if he went to a division he should certainly vote against him.

Mr. BROWN asked the right hon. Gentleman to state what precautions he proposed to take in order to prevent the Estimates being exceeded? He also wished for some information as to what was to be done for the Scotch soldiers.

Sir PATRICK O'BRIEN asked for some explanation as to the relative proportions of depôt centres in England, Scotland, and Ireland.

Mr. CARDWELL said, that, since this was a measure which concerned the public business of the year, it could not conveniently be postponed; and he hoped he should be able in a few remarks to bring the discussion upon it to a close. ["No, no!"] Well, sometimes one succeeded beyond his hopes. In answer to his right hon. Friend opposite (Sir John Pakington), with regard to the second battalion, he might say that the plan laid down in the scheme was this. Every two battalions would be divided into three, and the third or depôt battalion, would be quartered in the locality. With reference to the other two, one would almost always be abroad, and the other must be at Aldershot or some other garrison. As to the data on which the various financial calculations had been made, as they appeared in the last page of the Report, he had taken the maximum sum; and if he were to state the precise sums in every case, that would of course tend to bring the expenditure up to that maximum, which he was desirous to avoid. Everyone of the calculations had been based on past experience and the estimates of the most competent officers. He was not quite aware of the exact proportion of Scotch and Irish soldiers in the Army, but proposed by adding nine regiments to make them up to sixteen, and that a sufficient number of the regiments would be sent to Ireland, so as to make them fully equivalent to the proportion of recruiting in Ireland.

In reply to Captain Beaumont,

Mr. CARDWELL said, that provision was made for the building of barracks where none were now available. He believed that a Reserve composed of men who had passed through the Army was essential to the moral discipline of the Army and to the protection and safety of the country. He did not, at the same time, at all differ from the view of the Recruiting Commission, that it was to the Militia we must look for our great constitutional means of defence.

Mr. ILLINGWORTH said, he wished in a few words to state his objections to this measure. He objected to so large an expenditure of the public money under this Bill in the teeth of the economical professions on the part of the Government, and such uncertainty as to the ultimate cost, especially having regard to the present aspect of the labour market and the rising price of materials of all sorts. Another evil of the measure was, in his opinion, that it would lead to familiarizing the whole of the country with a military system, and what the Army would gain by being located in military depôts in various parts of the kingdom, the civilian population would lose. He cared very little for the military system; but he, nevertheless, claimed to be as good a patriot as the hon. Member for Chelsea (Sir Henry Hoare). The civilian population had, he believed, a great repugnance to the Bill, and there would, he felt sure, be a greater outcry against it when it was more generally understood. If even the measure were a good one—and great fault had been found with some of its provisions from a military point of view — there could be no harm in giving more time for its consideration. He was one of those who regretted that the Government had yielded to the panic of 1870, and he thought the Prime Minister must now regret that he had so yielded. It was said at one time that if we had only adequate fortifications we should be perfectly secure; then it was contended that we must have an iron Navy; and, again, our glorious Volunteers, it was supposed, would save the country from the risk of panic. The result of every step, however, had been to increase our difficulties in controlling the military power and expenditure of the country. There could, he was sure, be no more honourable or conscientious man than the Secretary of

State for War; but he was, he believed, the victim in dealing with the subjects of a delusion. The great commercial towns who were so deeply interested in the question of our security, had no feeling of panic. At the time of the Crimean War those who opposed it were regarded as being unpatriotic, in the same way as the opponents of the present Bill were; but they had lived to see that war acknowledged to have been a blunder by the very men who were most strongly in its favour.

And it being ten minutes before Seven of the clock, the Debate was adjourned till *this day.*

In answer to Lord EUSTACE CECIL,

MR. CARDWELL said, the Bill would be proceeded with at the Evening Sitting, after the Intoxicating Liquor (Licensing) Bill had been disposed of.

SIR WILFRED LAWSON asked what was the latest hour at which the right hon. Gentleman would proceed with it?

MR. CARDWELL said, the Government were under a pledge to proceed with the Intoxicating Liquor (Licensing) Bill that evening first; and they would take the other Bill at any hour before half-past 12 o'clock.

MUNICIPAL CORPORATIONS (BOROUGH FUNDS) (*re-committed*) BILL—[BILL 138.]

(*Mr. Leeman, Mr. Mundella, Mr. Goldney, Mr. Candlish, Mr. Dodds.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

SIR MICHAEL HICKS-BEACH appealed to the hon. Member for York (Mr. Leeman) not to insist on the 6th clause. In that case he would assent to the passage of the Bill through Committee.

MR. HIBBERT remarked that there was no chance of the Bill passing this Session unless Clause 6 were withdrawn.

MR. LEEMAN, though extremely loth to part with the 6th clause, would withdraw it in order to insure the passing of the measure.

Bill *reported;* as amended, to be considered *To-morrow.*

And it being now Seven of the clock the House supended its Sitting.

The House resumed its Sitting at Nine of the clock.

INTOXICATING LIQUOR (LICENSING) BILL (*Lords*)—[BILL 198.]

(*Mr. Secretary Bruce.*)

COMMITTEE.

Order for Committee read.

SIR HENRY SELWIN-IBBETSON said, he had no desire whatever by interposing that any delay should take place in discussing most carefully and completely the provisions of this Bill; but in justice to those who had supported him in the measure which he introduced this Session, and which stood for second reading, he desired to say a few words. No doubt quite unintentionally, the promise made some time ago by his right hon. Friend the Home Secretary—namely, that his (Sir Henry Selwin-Ibbetson's) Bill should, after second reading, proceed *pari passu* with the Government Bill—had not been carried out. Many people who supported him were much disappointed at the results which had taken place, inasmuch as his Bill, to all intents and purposes, as the right hon. Gentleman himself must be aware, was now a dead letter. He felt, under those circumstances, that the only course left open to him was to attempt to move some of the principle clauses of his Bill as Amendments on the Government measure. He had taken that course and given Notice of those Amendments, which he hoped he would be allowed to state his reasons for pressing, and for which he bespoke fair consideration. He repeated that he only made those remarks to set himself right with those who approved his Bill and gave him their support. He trusted that in the discussion upon which they were about entering time would not be wasted—that criticism would be confined to two or three great principles, and that these would be fully debated.

Bill *considered* in Committee.

(In the Committee.)

Preamble *postponed.*

Clause 1 (Short title) *agreed to.*

Clause 2 (Extent of Act).

On Motion of the Marquess of HARTINGTON, the words "or Ireland" were *omitted.*

Clause, as amended, *agreed to.*

Illicit Sales.

Clause 3 (Prohibition of sale of intoxicating liquors without license) *agreed to.*

Clause 4 (Occupier of unlicensed premises liable for sale of liquor) *agreed to.*

Clause 5 (Seller liable for drinking on premises contrary to license).

Mr. WATNEY said, that by this clause the holder of a license for the sale of liquor not to be drunk on the premises was liable to a penalty if the liquor sold was drunk on any highway adjoining or near his premises. Such a provision was open to great abuse, the penalty attached was excessive, and he begged, therefore, to move, in page 2, lines 35 and 36, to omit the words "or on any highway adjoining or near such premises."

Mr. BRUCE said, that this provision was taken from the Bill of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson), and it had been found to work well. Besides, it should be borne in mind that the drinking on the highway adjoining the unlicensed vendor's premises must be with the privity or consent of the unlicensed seller of intoxicating liquor.

Sir HENRY SELWIN-IBBETSON also defended this provision of the clause. It had been found necessary to make the Bill of 1869 more stringent in this respect. It was pointed out to him that until the second Act was passed, in all the beerhouses throughout the country benches were put outside the door, pots of beer were passed out, and the liquor being taken a little distance was drunk. There were several beerhouses in his own immediate neighbourhood which were doing an illegal trade in this way, and when the occupiers came for a renewal of the licenses he asked the chairman to explain to them this provision of the new Act, upon which, out of 11 applicants, nine immediately quitted the room when they found that they could no longer carry on this illicit trade.

Amendment *negatived.*

Mr. WATNEY said, the clause imposed on the seller for drinking on his premises, or on any highway adjoining, the maximum penalty of £10 for the first offence, and £20 for the second offence, any conviction for an offence under this section to be recorded on the license of the person convicted. Now, whatever might be thought as to the advisability of imposing a penalty on the seller, he contended that for the first offence the conviction should not be recorded on the license, because, in point of fact, it would affect him to the extent of one-third of the value of his license. He begged to move, in page 3, line 3, after "section," to insert "other than a first offence."

Mr. BRUCE observed that it must be assumed that in all the cases against which the clause was directed there would be evasions of the license. For the protection of the Revenue, and for the preservation of good order, it was desirable that, as regarded limited licenses, there should be such a provision as that in the clause.

Sir HENRY SELWIN-IBBETSON said, that the clause was an important one, and ought not to be hurried over, but fairly discussed. As regarded the convictions, he had an Amendment on the Paper respective cumulative penalties, and when the proper time arrived should certainly move it. He would, therefore, recommend his hon. Friend to withdraw his Amendment and introduce it, if necessary, on the bringing up of the Report.

Amendment, by leave, *withdrawn.*

Mr. LOCKE observed that there was one thing he wished to prevent, and that was that no arbitrary rule should be laid down whereby magistrates should be obliged to endorse the license. He should therefore move, in page 3, line 4, at end, to add "if the convicting justice shall so order." There might be many cases where offences would be committed in the house of licensed victuallers without their knowledge or consent, and it would be a hard case to visit them with the penalties proposed by this Bill. All he asked was that in case of every offence the justices shall have an opportunity of exercising their judgment as to whether it ought to be inserted on the license.

Mr. COLLINS thought the Amendment wholly unnecessary. There would be no offence if the liquor was drunk on the premises with the consent and privity of the landlord.

Mr. LOCKE only meant it to be understood that he simply wished to leave a certain discretion with the magistrates.

If three separate convictions be recorded on a man's license, it was taken from him, and he himself probably ruined for ever. Now, that was a most severe and arbitrary proceeding, and he wished to put as many checks upon it as possible.

MR. WHEELHOUSE reminded the hon. and learned Gentleman that the Bill made it necessary to have every conviction inserted on the back of the license; but certainly if the justices were to be the parties—as they were intended to be—in granting licenses, he saw no reason whatever why they should not be at liberty to exercise a discretion. That, in his opinion, was not only necessary, but just and fair to all parties.

MR. BRUCE pointed out that the clause applied only to persons holding a limited license for the sale of liquor off the premises; for such a man to allow it to be drunk on the premises would be a deliberate and serious offence; and if it was repeated three times in the course of five years the forfeiture of the license would be deserved, for the offence would be a scandalous fraud. He reminded the Committee that in cases of this description no magistrate would convict without the clearest evidence.

MR. HARVEY LEWIS was of opinion the clause effected the deepest interests of the trade. He wished to know if a licensed victualler carrying on a lawful trade and keeping a respectable house was led or involuntarily committed an offence against this Bill by means of his servants or otherwise, was he to suffer the extreme hardship of having convictions marked on the back of his license, which might ultimately destroy his prospects and ruin his business? What his hon. and learned Friend wished to secure by his Amendment was to give the magistrates a discretionary power in every case, so that they might act justly and fairly between all parties.

SIR HENRY SELWIN-IBBETSON thought the Amendment of the hon. and learned Member for Southwark entirely opposed to the principles of the Bill. He confessed that, much as he should like to see a discretionary power allowed to magistrates in cases where the offence was accidental, he could not see the justice of extending the benefit of it to persons who knowingly carried on trade in violation of the conditions on which they had undertaken it.

MR. F. S. POWELL believed there were many cases in which it would be proper and necessary to give discretion to the magistrate. He hoped, however, the Amendment would be withdrawn, and afterwards brought up again at the proper place.

MR. LOCKE, said, he was willing to withdraw the Amendment in deference to the wish of the Committee.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 6 (Evasion of law as to drinking on premises contrary to license).

MR. BRUCE moved, in page 3, lines 6 and 7, to leave out "with intent to evade the conditions of his license," as the object of those words would be sufficiently attained by the final section of the clause.

Amendment *agreed to.*

SIR HENRY SELWIN-IBBETSON moved to insert "out of or" after "liquor," in line 8. He said that in his Bill, passed in 1869, it was found that the clause was not sufficiently stringent to prevent large evasions of the Act. The words he now moved were part of those introduced into the Bill of 1870.

Amendment *agreed to.*

MR. LOCKE moved, in page 3, line 18, at end, add "if the convicting justice shall so order." The hon. and learned Member observed, that he hoped the Amendment would be allowed to pass in that form, as he believed it to be most essential to fair and effective working of the Bill.

Amendment *withdrawn.*

SIR HENRY SELWIN-IBBETSON moved to insert, "or place or places," after "premises" in line 20; and in line 23 to insert "as therein," after "thereon."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 7 (Sale of spirits to children. See 2 & 3 Vict., c. 47., s. 43).

MR. PLIMSOLL moved, in page 3, line 26, after "description of" insert "malt liquor, wine, or."

MR. BRUCE said, he could not consent to the insertion of these words. If a man went into a public-house with his children, and gave one of them a sip of beer out of his own glass, the publican would become liable to the penalty under the Amendment.

Mr. COLLINS: Every boy at Eton or Harrow would be sent to prison.

Amendment, by leave, *withdrawn.*

Mr. OSBORNE MORGAN moved, in page 3, line 27, after "sixteen years," insert—

"Or who sells or allows any person to sell, to be consumed on the premises, any description of intoxicating liquors to any person apparently under the age of fourteen years."

He thought that 14 years was a proper limit, and one which the Committee might safely accept, as it would certainly prevent very young children being made to drink in public-houses.

Amendment proposed,

In page 3, line 27, after the words "sixteen years," to insert the words "or who sells or allows any person to sell, to be consumed on the premises, any description of intoxicating liquors to any person apparently under the age of fourteen years."—(*Mr. Osborne Morgan.*)

Question proposed, "That those words be there inserted."

Sir ROBERT ANSTRUTHER said, he approved of the Amendment, and would strongly advise the Committee to adopt it. Its object was to prevent very young children from hanging about public-houses. It was not desirable that children should booze about public-houses, and the Amendment would prevent that, while it would not prevent a child having proper refreshment.

Mr. HARVEY LEWIS said, he hoped the Home Secretary would not accept the advice just offered to him, as the Amendment would only serve to entrap the respectable tradesman carrying on an honest business. A person carrying on a legitimate business ought to be subject to clear and explicit rules. If a clear rule were laid down on this subject, well and good; but nothing could be more absurd than to expect that a licensed victualler should be a judge of whether a child was under 14 or under 16 years of age. Children of the same age differed very much in their apparent age; and it was well known that young Spanish ladies of 14 were more advanced than English ladies of 16. How, then, could a person in trade be expected to know that a child was under 14 or under 16 years of age? Teetotallers had their own views and a right to support them; but they had no right to put down those who advocated different views, and any efforts in that direction would not succeed. The Amendment before the Committee was monstrous, and he hoped it would be rejected. He was glad the hon and learned Member for Denbigh (Mr. Osborne Morgan) had resolved on a division, for the result of it would show whether the intention of hon. Members was to extinguish the business of licensed victuallers or give them fair play.

Mr. T. E. SMITH referred to the police reports as evidence of the evil that resulted from young people frequenting public-houses. It was only the other day that four boys had to be expelled from a Sunday school for being drunk. He trusted the right hon. Gentleman would accede to this Amendment.

Mr. COLLINS joined in the wish to have the words proposed inserted, for it was practically a question whether children of the age of 13 should be allowed to go and drink at public-houses.

Mr. GREGORY thought the Bill was quite strong enough without the words now proposed to be inserted in the clause. Many a boy at the age of 14 had been glad to get a glass of beer after rowing on the river or similar exercise, and he had done so himself at that age without being any the worse for it.

Mr. BRUCE said, that the question was not whether there were occasionally deplorable instances of boys drinking in public-houses, but whether Parliament could reasonably refuse to allow young persons the indulgence of obtaining innocent refreshment. The clause as it stood provided that spirits should not be sold to children under 16 years of age; but in addition to that were they to say that if a boy took a walk into the country and procured a glass of beer at a public-house the person who supplied him should be fined 40*s.*?

Mr. CANDLISH asked whether anything could be more unseemly than that boys and girls of 12 and 14 years of age should sit in a public-house, and make jolly and carouse there. That really did happen, he said, in the manufacturing districts.

Sir HENRY SELWIN-IBBETSON thought the picture just drawn by hon. Member for Sunderland was very much exaggerated. The clause, which struck at the really vicious part of the thing—

the supply of spirits to children under a certain age—quite met what was wanted. If hon. Members wished to pass a fair and honest measure, they should not attempt to provide against such extreme cases as those which had been cited.

MR. BRUCE reminded the Committee that an enactment similar to that of the present clause was in operation in the metropolitan district, and that it was now sought simply to extend its operation to the country. Most of the mischief which had been referred to by hon. Members had been occasioned by spirits being supplied to children.

MR. LOCKE said, the hon. Member for Sunderland (Mr. Candlish) must be aware that children worked at a very early age—certainly below 14—and that they must have their luncheons or dinners. Why should they not be allowed to have beer with their meals? The House of Commons seemed to deny everything to everybody but themselves; selfishness was creeping over those benches, which could not be put down too soon.

MR. H. B. SAMUELSON proposed to split the difference by modifying the Amendment, so that it would read "apparently under the age of 15 years of age."

MR. OSBORNE MORGAN said, the Amendment applied to children and to children only, and that the Committee had no idea how strong the feeling was on the subject in some parts of the country.

MR. DIMSDALE wished for some definition of the phrase "apparently under a certain age."

MR. BRUCE remarked that a similar clause had been in force for 30 years, and that he had never heard any complaint respecting it.

MR. T. E. SMITH said, the Amendment would not prevent boys taking beer with them in their cans for their luncheons or dinners.

MR. FOTHERGILL objected to any boy under 14 being allowed to drink in a public-house.

MR. DODSON said, that unless the hon. Member who had just sat down was prepared to prove that no boy of 13 could be thirsty his remarks could have little weight. As the right hon. Gentleman had explained, it was sought by the Bill to extend to the country a clause in regard to the drinking of spirits by children which had been tried in the metropolis. Beyond this it was not desirable to go. He had heard an observation to the effect that the present House of Commons consisted of men who were considerably advanced in life, and he could not but think that the discussion on the proposed Amendment was good evidence of it. It was so long ago since some hon. Members were 14 years of age, that they could not recollect what their condition and feelings were at that time. He asked the hon. and learned Member for Denbigh (Mr. Osborne Morgan) to cast himself back, if he could, to the days when he was a boy in a public school, and recollect whether at that time, after handling a cricket-bat or pulling an oar, he never wanted to go to a public-house for a glass of beer.

MR. DIXON said, the right hon. Gentleman had forgotten that what was objected to was, not a boy taking a glass of beer, but taking it at a public-house, where he might fall into dangerous habits. He did not think that beer was necessary or useful to children of that age, and he did not believe that any child of his ever took beer at that age.

MR. HARVEY LEWIS thanked God he was not one of the sons of the hon. Member for Birmingham, and he was afraid they would not be much credit to him in the future. It must be tantalizing to the poor lads when the hon. Gentleman entertained his friends at his hospitable board, to find that they were not allowed to have any share in the good things which were served there. It was generally found that boys who were placed under such restrictions sought after that which was denied them, and obtained it by some means or other.

Question put.

The Committee *divided:*—Ayes 60; Noes 129: Majority 69.

Clause *agreed to.*

Clause 8 (Sale to be by standard measure) *agreed to.*

Clause 9 (Internal communication between licensed premises and house of public resort).

MR. WATNEY moved in page 3, line 41, after "every," to insert "licensed," for otherwise the bricklayer who made the intercommunication would be liable to the penalty, which ought to attach to a licensed person solely.

Mr. BRUCE explained that such had been the law in respect to public-houses in the metropolis for years past. The penalty would only attach to the licensed person.

Sir HENRY SELWIN-IBBETSON said, that was perfectly correct; but he would remind the right hon. Gentleman that this clause was retrospective, and he would suggest to him if he could not so modify it as to render it prospective, else it would harshly affect a large number of houses in the country which had halls of entertainment built out from them upon garden ground.

Amendment *negatived.*

Sir HENRY SELWIN-IBBETSON said, that the clause as it stood dealt a heavy blow at vested interests in any communications that existed at the present moment.

Mr. LOCKE proposed to insert the words "after the passing of this Act."

Mr. BRUCE said, that would not have any effect, because the words would not have any practical operation until after the Act was passed.

Mr. P. WYKEHAM-MARTIN said, he knew plenty of rooms attached to and forming part of public-houses in the country in which audits and meetings of benefit societies had been held for the last 30 years. Were they now, he was desirous to know, to be held illegal?

Mr. BRUCE: By no means. They are part of the licensed premises.

Amendment *negatived.*

Mr. T. HUGHES moved in page 3, line 43, after "and," to insert "a music-hall or dancing-room, or," with a view of assimilating the law as regards music and dancing-halls in the country to the law on that subject in the metropolitan districts. Music and dancing were very good things in themselves; but attached to public-houses, experience had proved that they were highly objectionable. No harm could arise from compelling those establishments to take out a separate license.

Mr. COLLINS said, he entertained very serious doubts as to the working of the proposed Amendment. What, for instance, would happen in the case of the large hotels at Leamington or Cheltenham, where dancing went on every night? But strangers were not admitted.

Mr. DODSON said, that the hon. Member who had proposed the Amendment in the clause could hardly have given much consideration to the place at which he proposed to insert it. The clause, if amended as proposed, would render it absolutely penal to make or keep open a communication between the licensed premises and the music-hall, even though a special license might have been obtained for the purpose.

Mr. T. HUGHES said, he was willing to meet the suggestion by striking out "and" and inserting "or."

Mr. DENT said, that in the large hotels in the town which he represented (Scarborough) dancing probably took place every evening. If for so doing it was suggested that they should take out special licenses, the proposition would, in his opinion, prove inconvenient and unreasonable.

Mr. BRUCE said, that if the question raised by the Amendment were dealt with at all, it would require very full and careful handling, and not a mere passing reference in a clause. In the metropolis persons who wished to see music and dancing could easily go to buildings licensed for those special purposes. But the question was whether, if in a country place or small village, a harper struck up a tune, or a man sang a song and took money for doing so, he and a man in the room were to be punished. In towns liberty might easily degenerate into license, and it was right and proper to impose restrictions; but it was another thing to interfere in the country with the simple amusements of the people.

Mr. D. DALRYMPLE asked whether the hon. Member intended his Amendment to extend to Masonic halls? If so, in the interests of the noble craft, he protested against it. He should unquestionably vote against any provision which would hinder the brethren from passing from labour to refreshments.

Mr. F. S. POWELL said, that one branch of this controversy—Music Halls *v.* Theatres—had occupied a Committee for six months. He deprecated the re-opening of the question at 10.30 p.m. on the 23rd of July.

Mr. T. HUGHES said, he had no wish to interfere with the "free and accepted Masons;" but wherever music and dancing formed part of a recognized entertainment, then, he contended, there ought to be a license.

SIR HENRY SELWIN-IBBETSON said, he was prepared to support the view of the hon. Member as far as dancing was concerned, and he had introduced a clause on the subject in his own Bill.

MR. HENLEY said, the hon. and learned Member seemed to be desirous of attempting to set up a new system of licensing music and dancing rooms all over the country, which, if carried, would, in fact, interfere with the homely and innocent enjoyments of life. If when a party were met together in a friendly way they wished to have a dance or a song, why should they not have it? Why, he, for one, should be very sorry to see such an arbitrary and wholly uncalled for interference by Act of Parliament with the social pleasures and relaxations of the public. Would such an interference be tolerated in other classes who were in the habit of giving concerts and dancing parties in their own houses or grounds? He was surprised that the right hon. Baronet below him (Sir Henry Selwin-Ibbetson) should have lent his sanction to such a proposal, and for his own part he should, if it were pressed to a division, give an unhesitating vote against it.

SIR HENRY SELWIN-IBBETSON said, the right hon. Gentleman seemed to completely misapprehend what he had stated. In the metropolitan area, and for 25 miles round it, there were at present legal regulations for the opening of music and dancing halls, and by his Bill he had sought to make these regulations applicable to the whole country. [MR. HENLEY: It would be a great curse.] The right hon. Gentleman said it would be a great curse; but for his part he could not see why the regulations applicable to the area he had mentioned should not be made general. [MR. HENLEY: Why not propose to do so at once?] That proposal would have necessitated a fuller consideration of many questions than could now be given, and though he sympathized with the Amendment of the hon. and learned Member for Frome (Mr. T. Hughes), he did not think at the end of July, and with so many more important questions before them, they could satisfactorily deal with the subject. He should, therefore, recommend the withdrawal of the Amendment.

MR. CAWLEY said, that in his own borough (Salford) they had an Act which was precisely similar to that for the metropolis, and, so far as he knew, it worked satisfactorily; but he wished to point out to the hon. and learned Member that if his Amendment were agreed to the effect would be to compel the application for a special license in every case; whereas at present there was no such necessity in the case of licensed houses for general purposes, and the practical effect would be to exclude houses which were now licensed.

MR. FOTHERGILL strongly objected to the Amendment. In North Wales, with which he was connected, it was the custom, both in public-houses and beer-shops, to call in a harper. They were very fond of a little music and a dance, and it would be felt as a very great grievance indeed, if every landlord of a public-house were compelled to take out a 12 months' license before he could allow his customers to have their songs accompanied by a harp or an impromptu dance by the music of the country.

SIR ROBERT ANSTRUTHER confessed that his sympathies were with his hon. and learned Friend (Mr. T. Hughes); but looking at the many important questions it involved, he should advise his hon. and learned Friend not to press his Amendment.

MR. T. HUGHES, under the circumstances, said he would not ask the Committee to divide.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 10 (Illicit storing of liquor) *agreed to.*

Clause 11 (Publication of names of licensed persons) *agreed to.*

Offences against public order.

Clause 12 (Penalty on persons found drunk).

SIR HARCOURT JOHNSTONE said, that he thought 10*s.* was not enough. He moved, as an Amendment, that the penalty be 40*s.*, and that the imprisonment be a month instead of 10 days.

MR. HARVEY LEWIS would like to ask against whom this clause was particularly directed? To some people a fine of 10*s.* would be as nothing, and a penalty of 40*s.* would be equally unfelt. But it should be recollected that this Bill was directed more particularly against the working classes. [" No, no!"] Well, he did not suppose that the hon. Baronet who moved the increase of the penalty, or Members of that House, were likely to be found drunk on the highway; but it was very evident that a fine of 10*s.* imposed upon some persons would bear heavier than a fine of £100 upon a higher and wealthier class. In 99 cases out of 100, if working men were fined 10*s.* they would be sent to prison on account of being unable to pay.

Sir HARCOURT JOHNSTONE said, after the experience he had had in the county of Durham, where the penalty had been increased from 5*s.* to 10*s.*, he must say that he had never known the slightest difficulty in the persons fined raising the 10*s.* In fact, the workmen were now earning £4 a week, and 10*s.* was a penalty they found no difficulty in paying. For that reason, he proposed the higher amount and the longer period of imprisonment.

Sir HENRY HOARE objected to the proposal that a working man should be called upon to pay 400 per cent more than was now imposed in the case provided for by the clause. In fact, the Amendment was beside the direct object of the Bill, which was not so much aimed at the prevention of individual drunkenness as the suppression of a system to which they all objected. The working classes were not the only persons who over-indulged occasionally. If they took too much beer there were others who drank claret and stronger drinks, and if these heavy penalties were to be imposed, he suggested that they should be confined to those who paid income tax.

Mr. ASSHETON thought that while 5*s.* was an inadequate fine, 40*s.* was too much, and suggested that 10*s.* was a fair medium.

Mr. CANDLISH suggested as a compromise that the maximum penalty should be 20*s.*, instead of 40*s.*, as proposed.

Sir HENRY SELWIN-IBBETSON said, that a fine of 10*s.* in the agricultural districts would absorb, in many cases, a whole week's wages, and the lengthened period of imprisonment would inflict a great hardship. At the same time, there were reasons for thinking that 5*s.* was an inadequate penalty. If they were to have an Amendment in the clause, it ought to take the form of the alternative of imprisonment. Very often a fine of 5*s.* was no penalty at all, and the stocks had disappeared from their punishments. They had evidence that in Edinburgh, where the alternative of a day's imprisonment had been introduced, drunkenness had steadily decreased, and that was a strong reason in favour of introducing the alternative punishment of imprisonment.

Sir DAVID SALOMONS said, he hoped that the Committee would not be led away by the idea that they could prevent drunkenness by severe penalties. No man went to a public-house deliberately to get drunk. Drunkenness was an accident; and it was not, therefore, by increasing the penalty that they could do away with it. Moral means were necessary to prevent men becoming drunk. He also wished to point out that the penalty with the costs varied. In London it was 5*s.*, but in Tunbridge Wells it was 10*s.*, and in the county of Sussex generally it was 12*s.* He believed they would do no good by increasing the penalties.

Mr. NEVILLE-GRENVILLE said, he hoped his hon. Friend the Member for Scarborough (Sir Harcourt Johnstone) would stick to his proposition. It was an admirable one. The magistrates were not bound to inflict the full penalty; but it was very important that they should have power to inflict the heavier penalty of 40*s.* There was an Act whereby a man could now be fined 40*s.* if he was drunk and obstructing the highway.

Mr. BRUCE observed that one of the most difficult questions on which to arrive at a satisfactory conclusion was this question of repressing drunkenness by penalties. He was very far from saying that this clause was a satisfactory solution of the whole question, and that heavier penalties for repeated offences might not be followed by good results. He did not agree with the worthy Alderman behind him (Sir David Salomons) that these penalties produced no good. If he would read the evidence of the stipendiary magistrate at Sheffield, and other magistrates, given before the Committee which sat during this Session, he would find that the opinion at which they had arrived was that short terms of imprisonment would be deterrent. He thought, however, that for the first offence of the nature to which this section applied 10*s*. was sufficient. It was intended that this section should apply to persons found drunk on licensed premises, and therefore the great majority of persons on whom it would be inflicted would belong to the poorer—he would not say the working—classes. To them 10*s*., if they were to pay costs, would be a sufficient penalty. It was a subject for the consideration of the House whether in the case of repeated offences it would not be right to give the power to inflict a heavier punishment. He was bound to say, however, that he thought the Amendment of his hon. Friend (Sir Harcourt Johnstone) went too far.

MR. COLLINS said, he would not have risen if the hon. Baronet near him (Sir Henry Selwin-Ibbetson) had not referred to the stocks. He was bound to say that as a magistrate he had applied that punishment many times in the past, and he hoped to apply it many times again. He had himself offered persons their choice, and advised them that it was far better to stand in the stocks for two hours than to pay the penalty of 5*s*. He thought the fine proposed in the clause was quite enough, especially when in the next section it was proposed that persons, if guilty of riotous and disorderly conduct, should be liable to a fine of 40*s*.

MR. DODDS said, that he came from the same county as the hon. Member for Boston, and he should like to know where the punishment of the stocks was inflicted. He himself did not know where it had been inflicted in recent years.

COLONEL GILPIN concurred with the observations of the Home Secretary, and believed that, under the circumstances, 10*s*. was an amply sufficient penalty. With regard to the observations of the hon. Member for Boston (Mr. Collins), he had understood that the stocks, like the pillory, were excluded from the laws of the country.

MR. BROWN suggested that for the first offence the penalty should be 10*s*.; for the second, 20*s*.; and for the third, 30*s*.

MR. MITCHELL HENRY should like to know from the hon. Member for Boston where the punishment of the stocks had been inflicted? ["Oh!"] It is all very well to cry "Oh, oh!" but they should see whether the old statute was still in force when the hon. Member declared so ostentatiously that he had inflicted this penalty.

MR. R. N. FOWLER did not think the question before the Committee was the question of stocks. The question was whether for the future the penalty for drunkenness should be 10*s*. instead of 5*s*.; he himself thought it was quite a sufficient change to make in the law to raise the penalty to 10*s*.

MR. J. G. TALBOT said, that the question before the Committee was what ought to be the maximum penalty. They all knew very well that, as maximum penalties were very seldom imposed, if the maximum penalty was to be 10*s*., there would be very few cases in which it would be inflicted; and therefore when it was said that 10*s*. was the penalty imposed by this Bill, the statement was not accurate. They ought to give such a maximum as would be felt by any person on whom it was likely to be imposed, being well assured that it would be always reduced in proportion to the means of the person convicted. He thought that in dealing with a question of this sort it was better to adopt some reasonable penalty which magistrates might inflict at their discretion; and if the hon. Baronet (Sir Harcourt Johnstone) divided he should certainly support him. Penalties ought to be apportioned to the condition of the persons on whom they were inflicted. A fine of 10*s*. was a severe penalty on agricultural labourers; but there were classes above them who got drunk. The hon. Baronet opposite (Sir Henry Hoare) said that "our class" got drunk. ["No!"]

SIR HENRY HOARE: I beg pardon. I did not say that our class was in the habit of getting drunk. What I said was that the working classes were not more guilty of drinking to excess than other classes.

MR. J. G. TALBOT said, that the hon. Baronet made the remark that we drank too much claret and champagne. There were classes who could well afford to pay a penalty of 20*s*., and if they wished to check drunkenness by this means they should have penalties appreciable by those on whom they were inflicted. A penalty of 10*s*. was nothing to an artizan who was making £2 or £3 a-week, because it was well known that these fines were paid by communities who combined for the defence of one another. ["Divide!"] Hon. Gentlemen opposite seemed to desire to cram this Bill, like some other Bills, down their throats; but though he supported the Bill he would not permit it to be hustled through Committee without proper consideration. He thought that they should have a reasonable maximum penalty.

Mr. BRUCE said, it might shorten time if he put before the Committee the views of the Government with regard to the various Amendments on this clause. After considering all the evidence on the subject, he was of opinion that there would be an advantage in having a scale of punishment increasing with the increased number of offences. At the same time, he could not go the length of the extreme severity of the Amendment; but he thought that they might so far adopt it as to provide an increased penalty for the second and third offences. He would propose to modify the Amendment of the hon. Baronet by introducing words imposing a penalty of 20*s*. for the second offence, and for the third offence, if committed within 12 months of the second, one month's imprisonment, with or without hard labour.

Mr. NEVILLE-GRENVILLE hoped that the right hon. Gentleman would allow magistrates some discretion.

Mr. FOTHERGILL said, that his experience convinced him that a penalty of 10*s*. would be quite sufficient to meet the justice of the case. When penalties were too heavy it often happened that they were not imposed. He was glad the Home Secretary stood by the 10*s*. penalty for the first offence.

Mr. W. M. TORRENS said, that the statement of the Home Secretary took away his breath, and he stood aghast at the proposition that a man should be sent to prison for taking a glass too much three times a year. When the Bill was introduced, he thought it would be very difficult to make men moral by Act of Parliament; but after this discussion he considered it hopeless. The first proposition of the right hon. Gentleman was reasonable enough, and he implored him not to go further, pointing out that the effect of putting a drunkard in prison for a month would be to throw his wife and children on the parish for that time, and thus punish the innocent ratepayers. The Bill was a mild and moderate one, and was acceptable to the trade and the public; but he was surprised that the hon. Member for Boston (Mr. Collins) should propose to revive the odious and barbarous punishment of the stocks. They ought not to treat men who took a glass too much like convicted thieves.

Mr. BRUCE said, he was anxious not to be misunderstood. As regarded the punishment of the ratepayers, if the Bill would not prevent drunkenness it would do nothing, and if it did it would certainly diminish the rates. Whether drunkenness was a crime or not, undoubtedly it was a grave offence, and one for which the wives and children of drunkards now suffered the penalty. It was a fearful parent of vice and crime, and he thought that if a man were three times convicted for such an offence it was a proof that fining him was no good, and that he should be sent to prison. His belief was that that the infliction of such a penalty would diminish rather than increase the rates, put an end to a great deal of human suffering, and raise the tone of public morality.

Sir HENRY SELWIN-IBBETSON referred to the experience of Scotland, where an Act passed in 1862, imposing a fine of 5*s*., or 24 hours' imprisonment, for drunkenness in the streets, produced a steady decrease in the number of convictions.

Mr. DENT thought the views of the Government deserved approval.

Mr. HENLEY asked what would be the result of making the penalties too heavy? By increasing the penalties they would have fewer convictions. "Being drunk" was a very elastic term, indeed; and witnesses would give very different evidence with regard to offences visited by a low penalty from what they would give where the penalty was heavy. And where the penalties had a high range, there must be an appeal, in which the Judges would have to decide what was "being drunk." Again, how were the repeated convictions to be proved? He wished to call the right hon. Gentleman's attention to these points.

Mr. BRUCE said, it must be recollected that all these penalties were optional; the magistrate was not bound to inflict them, but had the power to do so if he thought the case required it. The offences must take place within the year; they would be in the same locality; and the justices would have full knowledge of all the circumstances.

MR. HARVEY LEWIS wished to call the attention of the Committee to the point they were discussing. The Bill imposed a penalty not exceeding 10*s.* on any person found drunk, upon which an Amendment was moved by the hon. Gentleman opposite (Sir Harcourt Johnstone) to make it 40*s.* In addition to that the right hon. Gentleman the Secretary of State for the Home Department proposed various cumulative penalties: A man shall be fined for being drunk, and on the second offence that fine shall be doubled. But that was not all, for on a conviction for a third offence the party shall be liable to be sent to prison for a given period, with or without hard labour. Now, such a penalty as that was, in his opinion, too severe. [" Question ! "]

THE CHAIRMAN : The Question is, " That 10*s.* stand part of the clause."

COLONEL BERESFORD asked the Home Secretary, whether he would not allow an alternative of seven days with a fine instead of 14 days' imprisonment? It might be a positive kindness to a working man to have seven days' imprisonment with a fine of 10*s.*, instead of 14 days without a fine.

Amendment (*Sir Harcourt Johnstone*) *negatived.*

MR. DENT then proposed, page 4, line 34, to insert—

> " Every person who shall be convicted of drunkenness under this section within a period of 12 months, shall on the second conviction be liable to a penalty of 20*s.*, and for a third or subsequent offence to a penalty of 40*s.*, or at the discretion of the magistrate to imprisonment, with or without hard labour, for a term not exceeding one month."

MR. ALDERMAN W. LAWRENCE moved to insert the words "and including costs." Now, it so happened that in the City of London no costs were ever added to penalties; and it was for the purpose of determining what they were that he wished to have these words inserted.

MR. LOCKE was surprised to hear the proposition put forward by the right hon. Gentleman the Secretary of State for the Home Department, to add imprisonment to the penalties inflicted by the Bill. When they saw the sentences which were frequently passed he certainly objected to give to magistrates the power of sending a man who might be in every regard respectable to gaol, and giving him a month's hard labour because he happened to be intemperate. It was quite possible, too, that the magistrate might be a man of a peculiar nature. He could pick out many in that House—men whom he would not trust to look after the character of a cat, much less of a human being. And it was to such men that it was proposed to give the power of sending a man to prison with hard labour, and to mix with the greatest vagabonds in the country, for a trivial offence which was altogether disproportioned to such punishment. He hoped the right hon. Gentleman would re-consider the laxity he had displayed in yielding to suggestions, and not bind himself up in this proposal of the hon. Member for Scarborough (Mr. Dent). Ten shillings was a large fine for a poor man, and he hoped it would be rejected. He hoped the right hon. Gentleman would stand by his first intentions and discountenance those cruel and fantastical propositions.

MR. DENT thought that no magistrate would send a man to prison with hard labour for a month without the option of a fine unless he believed that the accused was a confirmed drunkard.

MR. GREGORY said, that this was a serious matter. By thus sending a man to prison and giving him a month's hard labour they might be, in fact, ruining him for life. They knew there were men who took peculiar views on the subject of drinking, and that such men, if armed with the power, would be too ready to convict and send to prison a man brought before them on such a charge. It did not follow, moreover, if the charge were proved, that the man was not a good father, and otherwise respectable. The Committee should remember, too, that the poor man's stomach was too frequently not in a state to enable him to withstand the effect of strong drink. He went through a great deal of toil, and a little drink took great effect on him. He hoped such a law would not be passed.

MR. FOTHERGILL objected most strenuously to the proposition that a man should be imprisoned for a month because he had been drunk three times in a year. He knew a man for whom he had the highest respect, and to whom he would have entrusted his life. That man, however, unfortunately gave way occasionally to intemperance, and to have to give such a man a month's hard labour would to him be most revolting. And he had known many such cases. The proposed legislation was all a mistake, and he should vote against it if it was persisted in.

The CHAIRMAN reminded the Committee that the question of imprisonment was not then before them.

Mr. MUNTZ said, the Committee were now legislating upon a weakness of human nature, and not upon a crime. He was old enough to remember the time when it was fashionable for gentlemen to get drunk in the afternoon, and he thought it would be monstrous to make a man associate with felons, thieves, and vagabonds for a month because he had been drunk three times in a year. He hoped the Home Secretary would adhere to the clause.

Mr. GOLDNEY said, he observed that, following these clauses, three pages were devoted to clauses against adulteration, and in the schedule the ingredients were set forth which would have the property of causing or increasing intoxication. Now, until they had settled those clauses it seemed to him that they should not set about enforcing penalties against a person for an offence which perhaps was not his own, but was due to liquor which, they admitted, might be very bad and deleterious, because they took so many precautions to endeavour to ensure its being wholesome. He thought they would limit the penalty in the first instance to 10*s.*, as in the Bill, and afterwards, when it was in full operation in all its parts, they might visit offenders with the full penalty.

Mr. BRUCE observed that, presuming the House to be desirous of passing a Licensing Bill, he must ask the Committee to deal only with the Amendment. He sympathized with his hon. Friend (Mr. Alderman Lawrence) in the objection he took as to the levying of costs; but next year he hoped to offer for the acceptance of the House a measure for paying the clerks of Justices by salaries, and not by fees. If his hon. Friend objected to 20*s.*, he had better try to reduce the amount.

Mr. Alderman W. LAWRENCE said, he would withdraw his Amendment if the right hon. Gentleman would adhere to the Bill as originally framed, and would not accept the Amendment of the hon. Member for Scarborough (Mr. Dent). He should press his Amendment to a division, and whether it was accepted or not, he should oppose the original Amendment, because he objected to a cumulative penalty.

Mr. ASSHETON CROSS hoped the hon. Member for the City would not divide the Committee, and urged upon the Committee the great inconvenience of legislating upon a very general subject for one particular case. Having acted many years as a magistrate, he felt quite as much as the hon. Alderman opposite the injustice of inflicting a much heavier penalty by way of costs than the magistrate desired to inflict.

Mr. HARVEY LEWIS hoped the Committee would not allow such an Amendment as that before the Committee to disfigure the Bill. It was totally at variance with all that had been done in the other House, and yet he understood that Government would accept it. If it were carried it would make a conference with the other House necessary, and that House might disagree with it. It would subject a man to penal servitude for a month for the simple fact of getting drunk. Such conduct would bring contempt on the legislation of Parliament, and lead the people to believe that the Government could not make up their mind. He hoped the Amendment would be withdrawn.

Amendment (*Mr. Alderman W. Lawrence*) *negatived.*

Mr. SCLATER-BOOTH said, he understood that the Government were prepared to support the Amendment of the hon. Member for Scarborough (Mr. Dent). If that were so, he thought the Committee ought at once to report Progress. He was surprised at their assenting to such a proposal after the Bill had passed through the other House in a milder shape. The proposed change in the penalty for drunkenness would be repugnant to the feelings of the country. Surely they would not put a drunken man in the position of a convicted felon? As it had been pointed out, a drunken man was now doubly liable—both for being drunk, and for any mischief he might cause whilst in that state.

Mr. COLLINS moved to amend the Amendment of the hon. Member (Mr. Dent) by striking out the words relating to imprisonment, and confining it to the cumulative penalties.

MR. DENT expressed his readiness to accept that modification of the Amendment.

MR. GOLDSMID thought it would be better to adhere to the terms of the Bill. It was not so very long since it was a gentlemanly thing to get drunk at least once or twice a-week, and, therefore, he thought they should not bear so very hard upon the lower classes, who, of late years, had manifested much improvement. He would wish to see the Government rely more on the good sense of the people themselves than on a system of cumulative fines for the repression of drunkenness, and he hoped the Home Secretary would adhere to the Bill.

LORD JOHN MANNERS thought it was sound advice to adhere to the Bill as passed through the other House by the Government. The reasons which induced the Committee, half an hour ago, to reject the Amendment of the junior Member for Scarborough (Sir Harcourt Johnstone) would justify the Committee in rejecting the Amendment now proposed by the senior Member (Mr. Dent). They would do well to reject the Amendment even in the mitigated form in which the hon. Member now proposed to submit it.

MR. COLLINS protested against the doctrine that they were to accept *én bloc* whatever was sent down from "another place" without giving it any consideration.

MR. HARVEY LEWIS observed that that was not the question at all. It was, whether the Government having passed the Bill through the House of Lords in a form acceptable to themselves should now alter it?

Words relating to imprisonment *struck out* of the Amendment.

Amendment, as amended, proposed,

In page 4, line 34, after the words "ten shillings," to add the words "and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding twenty shillings, and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding forty shillings."

Question put, "That those words be there added."

The Committee *divided*:—Ayes 182; Noes 141: Majority 41.

COLONEL GILPIN, seeing that the Government had adopted a very important Amendment, and that there was other important business on the Paper, considered it his duty to move that the Chairman do now report Progress.

MR. BRUCE hoped that the hon. and gallant Member would not press a Motion which would interfere with and mar the progress of the Bill. The Government had adopted the Amendment because it was not an unreasonable one. Was it, he asked, to be understood that under no circumstances whatever the Government was to accept an Amendment? Surely, if a Bill of this importance was to be conducted in a manner that would be satisfactory to the Committee of the House, it was the duty of the Government to give the proposals of hon. Members fair consideration.

MR. SCLATER-BOOTH supported the Motion for reporting Progress, and complained of the Government for having essentially departed from the arrangement of the Bill as originally prepared by the Home Office.

MR. WHITBREAD expressed a hope that his hon. and gallant Friend would not press his Motion. He was quite sure that if they were to go on with Motions to report Progress, that they would make but very little progress indeed with the Bill.

MR. GLADSTONE said, the adoption of the Amendment referred to by the hon. and gallant Member made no change in the structure or character of the Bill. He hoped the hon. and gallant Gentleman would not press his Motion to report Progress, and that he would allow the Bill to be proceeded with. The hon. and gallant Member was probably influenced by his strong sympathy for another Bill—the Military Forces Localization (Expenses); but if they were now to report Progress, it would not be possible to proceed with that Bill that night.

COLONEL GILPIN said, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

SIR HENRY SELWIN-IBBETSON said, he had an Amendment relating to persons in a state of drunkenness on the highway and in possession of firearms. He, on reflection, considered the term "highway" not sufficiently large, and he therefore moved after the word "highway," page 4, line 37, to insert "road or thoroughfare;" and in line 38, after the word "engine," to insert—

"or who is drunk when in possession of any firearms or other dangerous weapons, shall be guilty of aggravated drunkenness and may be apprehended, and."

Mr. BRUCE admitted that a person drunk and in possession of firearms might be regarded as dangerous, and if the Amendment, were in possession of "loaded" firearms, he should have no objection to it.

Mr. W. M. TORRENS asked how it was possible for any person to know whether the firearms were loaded or not?

Mr. SCLATER-BOOTH said, penalties had been provided years ago to meet such a case, and had been imposed. He thought the Committee ought to reject much that was in the Bill.

Mr. BRUCE said, the proposition now made a second time was that the Government were bound to produce a Bill which should be altogether incapable of amendment. He could not concur in that. Nor could he altogether oppose the Amendment of the hon. Baronet (Sir Henry Selwin-Ibbetson), since he was in the habit of receiving constant communications from the Judges of the dangers resulting from drunken persons carrying firearms.

Mr. GREGORY was at a loss to know what the incidence of drunkenness was, and particularly of "aggravated" drunkenness.

Mr. COLLINS said, he certainly did not know what "aggravated drunkenness" was. He could not agree with the hon. Member (Mr. Sclater-Booth) in his idea that the Committee ought to reject some of the clauses *én bloc*. In his (Mr. Collins's) opinion the Committee might leave out all the words after "aggravated drunkenness."

Mr. HARVEY LEWIS said, the Bill had come down from the other House, and it was in all respects a very strong measure. The complainst against the Government was, not that they pressed it, but that they really did not appear to know their own minds, and particularly upon this monstrous clause.

After a few words from Mr. Bruce,

Sir HENRY SELWIN-IBBETSON said, he would act on the suggestion of the right hon. Gentleman, and omit from his Amendment the words "or other dangerous weapons shall be guilty of aggravated drunkenness."

Words *omitted.*

Sir Henry Selwin-Ibbetson

Mr. HENLEY observed that the words "or other dangerous weapons" were a very wide description indeed to entail the penalty for what was called "aggravated drunkenness."

Amendment amended, and *agreed to,* as follows:—"Or who is drunk when in possession of any loaded firearm may be apprehended, and."

Mr. MUNTZ moved, in line 39, after "shilling," to leave out to end of clause. As the clause stood, he said any man riding home might be liable, on the information of a policeman, at the discretion of the magistrate to be sent to the House of Correction for a month. The object of his Amendment was to do away with that discretion.

Mr. BRUCE defended the clause. There might occasionally be cases in which magistrates might not use discreetly the powers entrusted to them; but the clause was intended broadly to deal with a class of serious offences, and it was right to take ample power for dealing with them.

Sir MICHAEL HICKS-BEACH hoped the Committee would support the proposal of the Government, as the Amendment was entirely framed in favour of the rich man.

Mr. MUNTZ said, it was not in favour of the rich man; but, on the contrary, was in favour of the poor one.

Mr. RUSSELL GURNEY said, that many accidents arose from persons driving vehicles while drunk, and he therefore supported the clause as it stood.

Amendment *negatived.*

On Question, "That the Clause, as amended, stand part of the Bill,"

Mr. KNIGHT said, that he must take the sense of the Committee upon this clause. He regarded it as one of the most tyrannical ever inserted in an Act of Parliament. Any man who was driving, and was said to be in the slightest degree drunk, was liable to be put in prison for a month. He could not see anything that would work more hardly on the poorer classes, and he could not allow it to pass.

Mr. HARVEY LEWIS supported the views of the hon. Member, and said that he regarded the clause as unnecessarily severe.

Question put.

The Committee *divided*:—Ayes 219; Noes 49: Majority 170.

Clause, as amended, *agreed to.*

Clause 13 (Penalty for permitting drunkenness).

MR. F. S. POWELL *moved*, in page 5, line 10, after "or," to insert "knowingly."

MR. BRUCE said, he would accept the Amendment.

Amendment *agreed to.*

MR. WATNEY *moved,* in page 5, line 10, after "section," insert "other than a first offence."

MR. BRUCE said, he considered the offence dealt with in the clause one of the most serious nature, and he could not in any degree permit its severity to be relaxed.

Amendment *negatived.*

MR. BARCLAY moved, in line 11, after "convicted," to insert "if the convicting justice shall so order." He thought the time had come when some discretion should be given to the magistrates. If the power which he advocated were not granted, their dignity would, in his opinion, be much lowered. He was anxious that full penalties should be imposed; but unless they were anxious to ruin the licensed victuallers some liberty of action ought to be left in the hands of the magistrates. This endorsement of licenses was a very serious matter. If the magistrates were armed with discretionary powers he believed they would most carefully exercise them.

MR. RATHBONE hoped the Government would not consent to any relaxation of the clause as it stood in the Bill. They were sanctioning an extension of enormously increased powers to the licensed victuallers, and the only excuse for giving them any monopoly was security for public order and morality. Nothing should be left to the discretion of magistrates in matters of this kind. In the earlier clauses of the Bill they had been heaping penalties on poor drunkards, giving the magistrates no discretion; but when they came to deal with a powerful body of men a different principle was endeavoured to be introduced. He looked upon the record of all convictions on the license for offences connected with drunkenness as one of the vital points of the Bill, and he sincerely hoped it would not be surrendered.

MR. LOCKE, after calling the attention of the Committee to the wording of the clause, which he had given Notice of his intention to amend in the same manner as the hon. Gentleman (Mr. Barclay), said, that in a case of this kind it was quite obvious there ought to be power in the magistrates to act as they thought best according to circumstances. It was sometimes impossible to prevent drunken people entering a man's house—a policeman might enter, and a disturbance occur, the "licensed person" doing all he could to preserve order, and yet he might be unable to convince the magistrate that there was no blame on his part. A great deal was left in the Bill to the magistrates as regarded the measure of punishment to be inflicted, and he maintained that there ought to be similar discretionary power in respect of the recording of convictions on licenses. The words proposed to be inserted in the clause were only right and proper, and he should vote for their insertion.

MR. MELLY thought that if a man knowingly permitted drunkenness or violence in his house, he would commit a very grave offence, and there ought to be no discretion in the case.

MR. WHITBREAD said, that the offence named in the clause might be proved against a publican though he was in no degree to blame. That was one reason why he favoured giving magistrates power to act discretionally in connection with the record of convictions. Then, again, they must all see that when the penalty was increased to the extent of endorsement on the license, conviction would become more difficult. It was well known that, generally speaking, the duties of licensed victuallers in the proper management of their houses were very severe indeed. Did any hon. Gentleman really know the trials and temptations to which a licensed victualler was often exposed? He must have a good temper; he must exercise the severest self-control, or he might peril his property at any moment. Take a man, or a parcel of men walking into his house, already mischievously drunk, and they demand to be served. If he refuse—and most probably he will —his barman, or barmaid, or himself is assaulted probably; and if what is called a "row" takes place the police come in, and it will be a most difficult thing for him to prove that he was not guilty of riotous behaviour. That was one of the cases where the discretion of a magistrate would be properly exercised, and he, therefore, hoped his hon. Friend's Amendment would be adopted by the Committee.

Mr. BRUCE regarded this as one of the most important provisions of the Bill, and hoped the Committee would support the Bill as it stood. The object was to secure improved order, and the great cause of disorder was knowingly permitting drunkenness. The publican did not run any risk of unjust conviction, and the public had a right to insist that every necessary security should be taken for the proper conduct of a business which was undoubtedly a valuable monopoly.

Mr. NEWDEGATE said, in view of the heavy nature of the penalties, it would be far better to give the justices a discretion as to whether, on a conviction, they would take the first step towards the cancelling of the licenses.

Mr. Alderman W. LAWRENCE wished to know if a licensed person was to be answerable for the acts or conduct of his servants? because, if not, all he had to do was to go away from his house and allow them to do what they pleased. It seemed to him, looking at the whole case, that the magistrates ought to have a discretion in such cases, and he should therefore support the Amendment.

Mr. STRAIGHT had some experience in matters of this description, and believed there would be found the greatest possible difficulty in obtaining a conviction at all. He thought there would be the greatest difficulty in getting magistrates to convict if the penalty were made so heavy, especially in very numerous cases in which they would feel that the evidence was just sufficient to warrant a conviction. He hoped the Amendment would be pushed to a division.

Mr. FOTHERGILL pointed out that a landlord was liable to be convicted for suffering quarrelsome conduct; but what was "quarrelsome conduct?" He thought he had witnessed scenes in the House in which the occupants of the Treasury bench might be charged with quarrelsome conduct. And then, on whose evidence were parties to be convicted? Nothing had been said about the police as yet; but he knew a great deal about policemen in reference to public-houses. It was known to many others that many policemen never paid for the drink they swallowed, and that publicans who insisted on policemen paying for their drink were always in hot water. Yet it was upon the evidence of the police that magistrates were to decide. Now, that was a very serious state of circumstances; but all that was asked was, that the magistrates should be allowed the option of not recording offences under that section.

Mr. ASSHETON CROSS wished to call attention to the effect of recording the offence a certain number of times. As regarded the tenant, he would not have his license for five years. The consequence to the landlord was much more serious, because if those convictions were recorded the premises might lose their license for two years—"if the Court having cognizance of the case in its discretion so think fit to order." Then, if magistrates were to have a discretion in a great matter like that, why should it be refused to them in trifling ones?

Mr. RATHBONE expressed his belief that the House would insist upon it that the owner of premises who had not taken proper pains to ensure that his house should be regularly conducted should be punished. The hon. Member for London had hit a great blot in the Bill, and that was the word "knowingly." If after having brought the fact of conviction home two or three times to a person, it was not to tell against him for serious punishment, they might as well throw the Bill into the fire.

Mr. J. G. TALBOT suggested that the provision of the clause should be "unless the convicting justice shall order to the contrary."

Mr. BRUCE said, that the provision in the Bill was necessary from the peculiar nature of the monopoly which had been created for this trade. Magistrates hesitated to exercise the power with which they were armed by several Acts for taking away a license on a third offence. It was rarely they did exercise the power, and therefore, in the interests of society, they were justified in selecting a few offences under the Bill, and saying that in such cases the action of the magistrates should be compulsory.

MR. J. G. TALBOT then moved to substitute "unless" for "if."

MR. ALDERMAN W. LAWRENCE said, he could not allow the last statement of the Home Secretary to pass unchallenged. He could himself speak for the magistrates of Middlesex and of the City of London that they had never shrunk from the duty of taking away licenses when necessary, and afterwards application to obtain the licenses so refused had been made to the Lord Chamberlain, and by him granted. He should support the Amendment, which he hoped would be pressed to a division.

MR. SCLATER-BOOTH said, that the statement of the Home Secretary was strong, and he believed unjustifiable. The magistrates had not shrunk from the duty of taking away licenses, but the truth was they were rarely called upon to do so. It was against beerhouses and not against houses licensed by the magistrates that they had to proceed in that manner.

MR. BRUCE hoped the Amendment of the hon. Member for Kent would be withdrawn in order that the Committee might divide on the main question.

MR. J. G. TALBOT said, he felt so strongly on this point that he must press his Amendment.

MR. NEWDEGATE thought these words were necessary in order to make the Bill consistent with itself. It gave the magistrates discretion with respect to the period during which the House might be deprived of a license, and they ought also to have discretion with respect to the penalty to be inflicted.

MR. R. N. FOWLER hoped the hon. Member for Kent would proceed with his Amendment, for he feared the Government were going so far that the magistrates would not convict.

Amendment, as amended, proposed, in page 5, line 11, after the word "convicted," to insert the words "unless the convicting justice shall order to the contrary."

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 93; Noes 123: Majority 30.

Clause *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Friday,* at Two of the clock.

COUNTESS OF MAYO'S ANNUITY BILL.

Resolution [July 22] *reported,* and *agreed to:*—Bill *ordered* to be brought in by Mr. BONHAM-CARTER, Mr. GLADSTONE, and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented,* and read the first time. [Bill 268.]

ROYAL MILITARY CANAL ACT AMENDMENT BILL.

On Motion of Mr. CAMPBELL, Bill to amend the Royal Military Canal Act, 1867, *ordered* to be brought in by Mr. CAMPBELL and Sir HENRY STORKS.

Bill *presented,* and read the first time. [Bill 270.]

House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 24th July, 1872.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee—Ordered*—Pensions Commutation Act (1871) [Telegraph Officers]*.

First Reading—Public Schools Act (1868) Amendment* [271].

Second Reading—Capital Punishment Abolition [32], *put off;* Drainage and Improvement of Lands (Ireland) Supplemental (No. 3)* [265]; Countess of Mayo's Annuity* [268].

Select Committee—Local Courts of Record* [259], *nominated.*

Committee—Report—Debtors (Ireland)* [228]; Bankruptcy (Ireland) Amendment* [227].

Considered as amended—General Police and Improvement (Scotland) Supplemental* [238].

Third Reading—Local Government Board (Ireland)* [90]; Wild Birds Protection* [247], and *passed.*

Withdrawn—Local Taxation Accounts* [220]; Agricultural Children* [104]; Tribunals of Commerce* [206]; Poor Law (Scotland) (*re-comm.*)* [179].

SMOKE PREVENTION ACT—THE LAMBETH POTTERIES.—QUESTION.

MR. HEYGATE asked the Secretary of State for the Home Department, If he would state to the House whether he possesses any power under the Smoke Prevention Act, or under any other Act of Parliament, enabling him to deal with the nuisance created in Lambeth and Westminster by the muriatic acid fumes arising from the Lambeth potteries?

MR. BRUCE said, there could be no doubt that under the provisions of the Smoke Nuisances Act, the Secretary of State constantly exercised jurisdiction with respect to the consumption of smoke in potteries. It had been reported to him that the kilns of the potteries in question had been as well made as possible for the purpose of consuming the smoke, and that, if any escape of smoke occurred, it must be through the fault of the stokers. The police had strict orders with reference to those cases, and where necessary, it was their duty to prosecute. Prosecutions were frequently being instituted before the magistrates, and he hoped they would in future consider the expediency of passing somewhat severe sentences for a violation of the law. He hoped, however, now that attention had been called to the matter that the stokers would be more attentive to their duty. The complaint in the present instance was not so much of the escape of palpable smoke, as of muriatic acid gas. The escaped gas was not provided for by the Smoke Nuisances Act; nor did the case come within the Alkali Act. If any smoke or gas was evolved injurious to health, it was the duty of the local authorities under the Sanitary Act to prosecute, and in cases where it was injurious to property the law left the remedy to be provided by the individual suffering.

CAPITAL PUNISHMENT ABOLITION BILL—[Bill 32.]

(*Mr. Charles Gilpin, Mr. Robert Fowler, Mr. McLaren, Sir John Gray.*)

SECOND READING.

Order for Second Reading read.

Mr. GILPIN, in moving "That the Bill be now read a second time" said, that the question was making a considerable advance not merely in public opinion out-of-doors, but in the minds of that House, and was proving itself to be sound philosophically, sound in practice, and approved by Christianity. He would also point out that none of those who opposed it in that House, even the right hon. Gentleman the Secretary of State for the Home Department, approved the law relating to capital punishment as it stood, and was now administered, and the right hon. Gentleman had admitted that it could not be rightly carried out. Under the existing system the punishment of the criminal was frequently a matter of chance; and his (Mr. Gilpin's) conviction was, that it was the certainty and not the severity of the punishment which acted efficiently as a deterrent and preventive of crime. Could it, he would ask, tend to the reputation of the judicial Bench that the Judge should be obliged to pass sentence of death, when he knew perfectly well that that sentence would not be executed? There were many cases in modern times which showed the great uncertainty of capital punishment. There was the case of the clergyman Watson, who had unquestionably been guilty of an atrocious murder, but who yet obtained a reprieve; and there was the Brighton poisoning case, in which Christina Edmunds was found guilty of murder, and the Judge who tried her declared that the jury had done quite right in rejecting the hypothesis of her insanity; and yet that same Judge shortly afterwards recommended her to mercy, and she was sent to a lunatic asylum. On the other hand, there was the case of a man named Addington, a shoemaker, in Northamptonshire, who was unreasonably jealous of his wife, and who murdered her. There could be no doubt that the man was mad, but he was tried and convicted. Strong efforts were then made to save the man's life, and Dr. Pritchard, one of the best medical authorities in Northamptonshire, went with him (Mr. Gilpin) to the Home Secretary, to whom Dr. Pritchard said he would stake his professional reputation on the prisoner's insanity; but the Home Secretary said he was unable to interfere in the case, and the madman was hanged. [Mr. Bruce said, that the hon. Member was not justified in calling that convict a madman.] He could not agree with that, for not only himself, but the first authority in Northampton on insanity called him mad. He asserted, without fear of contradiction, that a poor man had not the same chance of having his life spared, after conviction for a capital offence, as the rich man, for whom the influence of a large circle of acquaintances was brought to bear at the Home Office. ["Oh, oh!"] He did not wish to be misunderstood, for he was ready fully to admit that no person could be more anxious to discharge his duty conscientiously than the present Home Secretary; but it was not possible in the great majority of cases, especially in those of the very poor, to bring to bear on the Home Office all the influence which it was well known was exerted in the cases of Mr. Watson and Miss Edmunds. He remembered one Home Secretary who was not satisfied in merely recording the capital sentences passed by the Judges, and that was Sir George Lewis, who took upon himself in more than one instance to differ from the Judges and to act upon his own opinion. [Mr. BRUCE: So does every Home Secretary.] He was glad that such was the mode of proceeding; but the right hon. Gentleman knew as well as he (Mr. Gilpin) did, that practically, it was the opinion of the Judge that decided these cases. In the course of the speech he made on this subject three years ago, he mentioned the case of Samuel Wright as that of a man who ought to have been reprieved. That man, under circumstances of provocation, having when asleep been dragged out of his bed, in the struggle that ensued, cut the throat of the woman who lived with him in Southwark. The man was conscientious in his way, and directly he had committed the crime he gave himself up to justice, stating that he was guilty of murder. He was tried immediately, and nothing could persuade him to plead "Not guilty;" for he said that he killed the woman, and he was guilty. Two thousand of his fellow-workmen, appreciating his character, went to the Home Office to petition for his life; but the man was hanged, and every house in the neighbourhood where he had lived had the shutters up or the blinds drawn down, showing the strong feeling which the execution had excited. Let hon. Members compare such a case as that with those of Watson and Miss Edmunds. There could be no doubt that the question of the abolition of capital punishment was only a question of time, and that before long the object he had in view would be accomplished by the substitution of a certain punishment for what he maintained was an uncertain one. Indeed, many leading men were adopting views in favour of the abolition of capital punishment, and in confirmation of that statement, among those whose opinions were in favour of the abolition of the death punishment, he could instance Earl Russell, Mr. John Bright, M.P., the Duke of Argyll, the Lord Chief Baron, Lord Lytton, Mr. Henley the right hon. Member for Oxfordshire, the late Lord Brougham, and others. [The hon. Member here quoted extracts from speeches and writings of those authorities.] This was a matter on which the security of society depended, and he wanted to have a law which would prevent the crime of murder by the certainty of conviction, and by offering the least possible chance of escape to the perpetrators of the crime. In Tuscany, Portugal, part of Russia, Saxony, Belgium, Holland, and other countries on the Continent, and in several States of the United States, where capital punishment had been abolished, it had been found that the result of the relaxation of the law had been beneficial in checking the crime; and as juries in this country hesitated to pronounce a conviction which might be followed by the loss of life, the penalty of death was itself becoming the cause of its own abolition. It appeared from a Parliamentary Return for the 10 years ending in December, 1870, that during that decade there were 242 convictions for murder, and that 129 persons were hanged, the sentence of death in 113 cases being commuted. In 1835 Lord Chancellor Lyndhurst pointed out, that of the total committals for murder only half resulted in convictions, and only one-third of the prisoners were put to death. In 1867 there were 255 verdicts of wilful murder returned by coroners' juries, and 261 in 1868, and those verdicts resulted in 94 persons being committed for trial in 1867, and 71 in 1868. Of the persons committed for trial 7 were found insane in 1867 and 12 in 1868; 60 were acquitted in 1867 and 38 in 1868; 27 were sentenced to death in 1867 and 21 in 1868; and 10 were hanged in 1867 and 12 in 1868. The experience of other countries produced a very similar result. In Holland there had been no execution for murder since 1860, and in the 20 years previous to that time there were only 11 executions arising out of 205 committals. To show that the fear of the death punishment had not a deterrent effect he would cite the case of Sarah Chesham, who, in 1847, was indicted at Chelmsford on a charge of poisoning. She was however acquitted, and rumour declared that her acquittal was brought about by the efforts of an influential juryman who was opposed to capital punishment. In 1848 she was indicted for the murder of her children, and was again acquitted. She afterwards murdered her husband, for which crime she was executed. In all, the deaths of 14 persons were laid to her charge; but if the punishment had been anything short of death, society would have been rid of her after the first case. There could be no doubt that in most cases where the evidence was overwhelmingly strong a jury would be found to convict; but there could be no doubt also that jurymen engaged in trying murder cases were apt to do what jurymen should not do, and what they would not do if the punishment was not one from which there was no appeal—namely, try to find out loopholes which would enable them to give such a verdict as would not involve the last penalty of the law. Hon. Members might, perhaps, be disposed to say that all his sympathy was for the criminals and that he had none for the victims; but that was not the case, for his argument was, that by the punishment of death no good was done to the victims, and that harm was done to society. There were many instances of innocent persons being found guilty of murder, and Chief Baron Kelly had mentioned that in his experience he had become acquainted with 22 cases of capital convictions, in all of which the innocence of the accused had been subsequently established. In connection with this part of the subject, he would refer to the case of the Saffron Hill murder, in which Pollizioni was tried before Baron Martin, and sentenced to death, the learned Judge remarking that he was satisfied the prisoner was the man who inflicted the wound. Four weeks afterwards new facts were collected by Mr. Negretti, and subsequently a man named Gregorio was found guilty of the offence with which Pollizioni was charged. But Pollizioni had stood upon the very verge of the scaffold—was in the condemned cell, saw no escape from it but through the gallows; and yet was as innocent as the right hon. Gentleman in the Chair whom he (Mr. Gilpin) was now addressing. They should also bear in mind that although it might be said that there were very few cases comparatively in which innocent people had been hanged, that after the drop had fallen there would not exist the same reason for attempting to prove the innocence of the culprit that would exist if he were still alive. In all countries where capital punishment had been altogether discontinued the detection and punishment of murderers were much more certain than in those countries where the death penalty prevailed. The accounts of the revolutionary trials and executions that were still going on in France were enough to chill the blood of Europe; and, as one might anticipate future revolutions in that country, one could not doubt that the present sowing of dragons' teeth would produce its terrible reprisals. In America, on the contrary, after the Civil War, as soon as order was proclaimed, the pardon of rebels was almost unlimited, and not one was executed. Of the recommendations of the Capital Punishnment Commission, only one, relating to the privacy of executions, had been acted upon. He appealed to the Home Secretary, whether he could defend the law as it stood, which could not be carried out, and would not be as long as the right hon. Gentleman retained his present office? The Commissioners unanimously recommended that juries should have the opportunity of deciding in reference to a murder whether it was of the first or of the second degree. Adopt the recommendation for the classification of murders, and we should be certain of convictions in all cases of murder of the second degree; and then, instead of murderers being let loose upon society, we should have the crime of murder effectually discouraged. It was true Lord Mayo would have escaped assassination at the hands of the man who murdered him, if that man had been hanged on his former conviction; but let it be remembered that in this and other cases convictions were made under the law as it was, and not under the law as he proposed it should be. We had abolished a large number of capital offences by making the punishment secondary, and the offences had not increased either in number or in atrocity; and that which had checked other crimes would have an equal, if not a greater, effect in checking that of murder. In fact, every amelioration of the penal laws had been attended by a lessening of the crime against which the laws were directed. The punishment of death for small offences had been abolished, because it was found that juries would not convict, in spite of Legislature and Judges, when it was known that execution would follow conviction In confirmation of that fact he would quote the opinion of Charles Dickens, who, writing in *The Daily News* many years ago, said—

> "If I were a juryman, and were called upon to decide whether a man were guilty of murder, I would go over the whole case, and if I could by any amount of special pleading find that there was the slightest possible ground for declaring the man mad, I would do so."

Hon. Members might not be so plain spoken; but he ventured to say they would cordially concur in the sentiment. Convinced that the interests of society required the abolition of capital punishment as the foundation of all right prison reform, and that society would be much safer without it, because convictions would be much more certain, he would move the second reading of the Bill, the passing of which, in the language of Earl Russell, would be a step in the progress of enlightened legislation, of civilization, and of Christianity. In doing so, he gave expression to a desire that this country should not be behind other nations in the progress of civilization and Christianity, but that, imitating the example of our Divine Master, we should give the greatest sinner time for repentance, and allow him an opportunity of turning from the error of his ways.

MR. R. N. FOWLER, in seconding the Motion, said, his own view was expressed by the extract which his hon. Friend had read from Earl Russell, whose experience as Home Secretary during a very critical period, made his opinions of great value. He doubted whether anyone would contend in that House that the present state of the law was altogether satisfactory, and when the hon. Member for North Wiltshire (Sir George Jenkinson), while strongly opposing the Bill, placed Amendments on the Paper, he thought that that must be taken as an admission that the law was unsatisfactory. Returns relating to specified crimes, such as forgery and arson, showed that the percentage of convictions to charges was much increased since the abolition of capital punishment in respect of those crimes, while the offences themselves were much diminished in number; while with respect to murder, between 1861 and 1870, 678 persons were shown to have been committed for wilful murder; but of those only 242 were convicted, and 129 hanged. Those figures showed how unwilling juries were to convict, if the probability existed that the conviction would end in capital punishment. It used to be said that the Bank of England hanged 30 men a-year for forgery; but now we seldom hear of a man forging a bank-note. Of course, juries had, theoretically, nothing to do with the penalty that would follow conviction; but it was practically impossible to get them to take that view, and the result was, that murderers were often acquitted who otherwise would be convicted. That state of things was not satisfactory, and although the majority of the Judges were against the abolition of capital punishment, they were not unanimous; and an eminent Irish Judge had declared that a Judge had no better opportunity of forming an opinion on the subject than any other man. Indeed, those who were professionally connected with a system were often least sensible to its defects; and barristers and Judges would naturally be more disposed to regard the present system with favour, than those who viewed the matter from a more impartial stand-point. The present system practically left the power of life and death in the hands of the Home Secretary; and no human being was competent to discharge the duty thus cast upon the Home Secretary with satisfaction to himself and the public, for, without invidiousness, it might be said that any two gentlemen who had filled the office would be apt to come to different conclusions in any particular case. He felt as much confidence in the present Secretary of State on these questions as he could in any man; but the right hon. Gentleman was but human, and, of course, liable to err. Whenever a man was sentenced to death the Home Office was flooded with applications that the mercy of the Crown would be extended to the criminal; but, personally, he had never signed a requisition in favour of a condemned criminal, for in his opinion, if the present system was to be maintained, the right course was to leave the Home Secretary at liberty to consider these cases in a judical spirit, in order that he might arrive at an unbiassed judgment. If the House rejected the Bill, the inference would be that it considered the existing system to be satisfactory; but he hoped that no hon. Gentleman who voted against the Bill would afterwards take up the time of the House by putting questions as to whether any murderer was to be pardoned or hanged. If it were safe to abolish the death penalty in Tuscany, surrounded, as it had been until recently by States in which life and property were not secure, owing to the brigandage which prevailed, surely it would be safe to abolish it in England. He trusted the House would give a favourable reception to the measure; but, whatever might be its fate, he believed the arguments against capital punishment were making way, and that sooner or later the penalty of death would be abolished.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charles Gilpin.*)

Mr. J. D. LEWIS, in the absence of the hon. and learned Member for Launceston (Mr. Lopes), who had given Notice of his intention to move that the Bill be read a second time upon that day three months, said he rose to move the Amendment at the request of his hon. and learned Friend. He would commence by remarking that the first part of the speech of his hon. Friend the Member for Northampton (Mr. Gilpin) had consisted of cases; but he (Mr. Lewis) considered it dangerous to quote isolated cases when the whole of the circumstances were not before the House. It should be remembered, in reference to some of the cases mentioned, that the legal and medical definitions of insanity were very different. Besides, the argument of the hon. Gentleman who had introduced the Bill went to show not that capital punishment should be abolished, but that some alteration should be made in the law, and as to that he thought all must be agreed. For instance, no person should be tried for murder without having the assistance of counsel in his defence. The uncertainty spoken of as attending trials for murder might be described as uncertainty as to whether the man would be convicted, and whether, if convicted, he would undergo a capital sentence. Returns moved for since 1869 proved that the proportion of convictions in relation to charges of murder was about one-third; whereas of other crimes the convictions were about two-thirds; but those Returns were vitiated by the circumstance that they included cases of infanticide, when everyone knew that trials for infanticide were a farce in this country, and that only in rare instances were women executed for that crime. It was necessary that the promoters of the Bill should show that there really was hesitation on the part of juries to convict in bad cases of murder when they knew that the capital sentence would be carried out. Evidence given by the Judges in 1865 before the Royal Commission was to the contrary effect, with the exception of the testimony of Mr. Justice Shee. Last year there were 13 convictions for murder and four executions, while one person charged with infanticide was respited, and the others were sentenced to penal servitude. In fact, if a man committed what was called a bad murder he was tolerably certain of being convicted, and if convicted, supposing he escaped the capital penalty, be sent to penal servitude for life. It was difficult to see how the removal of the possibility of execution would be deterrent; but at the same time he must concede that some alteration in the law was necessary. With regard to other countries, the new German Code prescribed capital punishment in cases of treason and murder; and that looked something like a reimposition of the death penalty in the German Empire. At the Social Science Congress of 1868, Lord Carnarvon, as President, said that the necessity for relaxation was no argument for abolition, and argued that the action of other countries was not necessarily an example for this, which was very differently situated. It had not been shown either, by the following facts, that in Tuscany, Portugal, and the United States, abolition had been followed by good results. A Report of the Minister of Justice of Tuscany stated that murders had nearly doubled in numbers since the abolition of the death punishment, and the statement related for the most part to murders committed for the sake of plunder. If we were to accept the figures adduced respecting Portugal, murders had been 50 times more frequent there than here; and it was quite clear the statistics were valueless, because wanting in discrimination, and that the diminution of crimes never punished by death could not have been produced by the abolition of capital punishment. In the United States, he understood, there was no disposition to extend the abolition of the death punishment. The allowance of one year's grace after sentence, followed as it had been by executive inaction, was declared authoritatively to have produced an erroneous impression that capital punishment was abolished, when it was not; and it was said that the result of that impression had been a great increase in the number of murders. The case of Fisk and Stokes did not affect the question, because you would not get a conviction for murder in the United States in a case in which there was sympathy with the murderer, and a moral stigma attached to the person murdered. A year or two ago a young man who had murdered a little girl in a hop-garden under circumstances of peculiar atrocity, was rescued with difficulty by the police from the hands of the enraged populace. If, however, the people had known that he could only be legally sentenced to a term of imprisonment, they would, in all probability, have torn him to pieces. He used the phrase "term of years" advisedly; for although the supporters of the Bill believed murderers would be confined for their natural lives, it would practically be impossible to do so, as some hope must be held out to criminals. In the State of New York, for instance, prisoners sentenced to life-long imprisonment were, on the average, released at the expiration of seven or eight years; and, in connection with that practice, he would refer to the case of a man who cut a man's throat from ear to ear, and who had been previously sentenced to death for murder, though his sentence was commuted to penal servitude for life, and he had been released at the expiration of eight years and four months. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), on a former occasion, said he recollected the time when capital punishment was inflicted for offences of a comparatively trivial nature; but it should be borne in mind that when that was the case prosecutors and witnesses were reluctant to come forward, whereas no such reluctance was evinced in cases of murder. He believed, indeed, there were one or two instances of members of the Society of Friends being unwilling to give evidence on trials for murder; but these exceptions only proved the general rule. The State ought certainly in his judgment to retain the power of inflicting capital punishment in cases of high treason. It was true that the French Republic of 1848 abolished the death penalty for political offences, and Mr. William Howitt and others taunted England with being behind her neighbours in this respect; but Colonel Merlin, at one of the recent trials at Versailles, said—"Capital punishment for political offences being abolished, the prisoners will not be beheaded, but shot." It would be impossible for an army to be sent into the field or for a fleet to put to sea unless the power of inflicting the punishment of death were vested in somebody. Again, what was his hon. Friend going to do with one of his criminals, who, after being committed for life, murdered a jailer? If the Bill passed nothing more could be done with the criminal in such a case.

> "Cantabit vacuus coram latrone viator."

Even *The Westminster Review* admitted that if such prisoners could not be controlled, the death penalty might be retained in their case; but surely that was giving up the whole point. Without accusing his hon. Friend of undue sympathy with the criminal, he thought there were so many respectable, virtuous, and honest persons knocking at the doors of Parliament and seeking redress for their grievances, that he would invite the House to "pass to the Order of the Day," as the French said, even though some injustice might be done to that—to him at least—uninteresting animal the British murderer. The hon. Member concluded by moving the rejection of the Bill.

MR. SCOURFIELD, in seconding the Amendment, said, it was not quite so clear to his mind as it appeared to other hon. Members, that a reduction of punishment produced a general diminution of crime. There was a deep feeling in human nature that crime deserved punishment, and that feeling was naturally strongest in regard to human life. No doubt, it was right to have sympathy and respect for human life; but they ought not to evince that sympathy and respect in a greater degree for an assassin than for his unoffending victim. The great question to consider was, whether the punishment of death had a deterrent effect. With regard to that point, they ought not to disregard the testimony of the Judges and prison chaplains. He believed that all their inclinations were against capital punishment, and hence the House could not disregard their opinion in favour of retaining capital punishment without incurring grave responsibility. In face of all the evidence which he had seen, therefore, he was not prepared to advocate the abolition of capital punishment in extreme cases of murder, for if the desire for punishment in those cases were not satisfied, it would find vent in such scenes as occurred in America. At the same time, the object of the punishment should be to strike terror into the hearts of those outside its effects, and not to unduly torture the criminal who had to suffer. There was a morbid sensibility on that subject to which Parliament ought not to yield. He denied that the Home Secretary had, as had been stated, the power of life and death in his hands. His power was entirely restricted to the Prerogative of mercy; and under no system could the exercise of such a Prerogative be avoided; and he was the proper person to be invested with it. In conclusion, he must say he should be shocked by seeing in this country such a state of feeling as had been described by Mr. John Stuart Mill—persons revolted by an execution, but not shocked by an assassination. While, however, he desired that human life should be respected, he must agree with the French reviewer, who said—*Que Messieurs les assassins le commencement.*

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. J. D. Lewis.*)

Mr. RICHARD said, he must dispute the remarks respecting Tuscany which had been made by the hon. Member for Devonport (Mr. J. D. Lewis) in the course of his able speech. Those remarks were founded upon statistics which had been challenged, and were now admitted to be imperfect; and, according to Returns furnished to the Howard Institute, crimes of violence were far fewer in Tuscany, where capital punishment was abolished, than in any other part of the kingdom of Italy. It was argued that you could not inflict perpetual imprisonment by reason of its effects upon the health and reason of the prisoner. But in Belgium there were instances to the contrary, and one of the American delegates at the recent International Prison Congress stated that the most cheerful man in the gaol of Pennsylvania was a man who had been confined there for 26 years. At home, too, perpetual imprisonment was inflicted in the case of criminal lunatics without bad results. As to the Judges, we could not forget that they had uniformly resisted all ameliorations in our criminal code; and when Sir Samuel Romilly, in the commencement of his beneficent labours, 50 years ago, proposed merely to abolish the punishment of death for stealing property to the value of 5*s.* from a shop, Lord Ellenborough and Lord Eldon unanimously declared that it was not safe to abolish capital punishment even for that trifling offence. Our criminal code was then the most barbarous and most ferocious of any civilized country. It contained 230 capital offences, and these had not come down to us from remote and barbarous times, but many of them were actually created in the reign of George III. Nothing however was more gratifying than the progress since made in the matter, for instead of 230 offences punishable with death, there was now only one; and in that crime there were many shades of difference, so that it was often difficult to say whether the punishment of death would or would not be inflicted. He thought, therefore, that taking it into consideration, his hon. Friend had no cause to fear for the ultimate success of his measure. Lately, in the discussion of this question, we had got rid of the Scriptural argument and also of the *lex talionis*—the idea that the punishment of death must be inflicted for purposes of mere retribution, on the principle of an eye for an eye and a tooth for a tooth. The simple question was, did the punishment of death give greater security for life? Sir George Grey had admitted that if the State were as safe without the punishment of death as with it, we should have no right to inflict it. Did, then, the punishment of death exercise a deterrent influence upon the population? No doubt, the prospect of death, especially of an ignominious death, must have great power over the minds of most men. But it was liable to be counteracted by other influences, which reduced its power very greatly. In crimes of deliberation it was counteracted by that curious principle which led men to except themselves from contingencies to which they saw that others were liable—the principle on which

"All men think all men mortal but themselves."

Juvenal at greater length, but in similar reasoning, had described the course of thought in the mind of a man, in doubt whether the crime he was committing would be punished by the gods—

> "But grant the wrath of Heaven be great; 'tis slow,
> And lets full many a year precede the blow.
> If, then, to punish all the gods agree,
> When, in their vengeance, will they come to me?
> But I, perhaps, their anger may appease,
> For they are wont to pardon faults like these:
> At worst there's hope; for every age and clime
> See different shades between the self-same crime."

Archbishop Whately said these conditions applied with double force to crimes exposed to the less certain risk of discovery through human agency, and this calculation of impunity was necessarily great through the absence of all certainty in the administration of the law. As to crimes of passion, we knew that men committed them without reckoning the punishment of death. As Lord Bacon said—

> "Revenge triumphs over death; love slights it; honour aspireth to it; grief flieth to it; fear preoccupieth it. Nay, we read, after Otho the Emperor had slain himself, pity, which is the tenderest of affections, provoked many to die out of mere compassion to their Sovereign, and as the truest sort of followers."

Was it true, then, that severity of punishment tended to diminish crime? History pointed to an entirely different conclusion. When our Code was most sanguinary it seemed to give a stimulus to crime. Henry VIII. hanged 72,000 persons for robbery alone, yet Sir Thomas More wondered that while so many thieves were daily hung, so many still remained in the country, robbing in all places. Again, Queen Elizabeth hung 500 criminals a-year, yet she complained that that severity was ineffectual. When forgery was punishable with death, also, it multiplied enormously, notwithstanding. As to the deterrent effects of executions, it had been found that criminals so punished had almost invariably attended executions themselves, for out of 167 condemned convicts, according to the testimony of a gaol chaplain, 164 had seen persons hung; and another witness said that 38 out of 40 had done the same. In conclusion, he would contend that on account of the infinite gradations in the crime of murder; the sanctity of human life; the awful and irreparable nature of the punishment, which admitted of no redress in case of error, the penalty of death in all cases ought to be abolished.

MR. HENLEY said, he did not think that a case in which we should be guided by opinion. There was an overwhelming weight of opinion in favour of punishment by death; but since he had examined the *catena* of official facts, he could not share that opinion, for there were certain facts in connection with this matter which should have much more weight than any mere opinions, no matter from whom they might come. The question was—"Is the punishment of death deterrent in connection with the crime of murder?" On that point, he doubted whether the practice of foreign countries was of much value, for the circumstances of every country differed materially. Nor did it weigh with him that the punishment of death was irreversible, because in these matters we must do our best, and trust to Providence to avoid mistakes. In his opinion, however, punishment by death was not deterrent, and, in fact, seemed almost the reverse of deterrent. Our criminal Returns showed that from 1836 to 1840—both inclusive—the number of persons committed for murder in England and Wales was 191. In the five years from 1866 to 1870—he had not received the criminal statistics for 1871—the number was 324. That was strange evidence as to the deterrent effects of hanging. The increase in the number of committals for murder in the latter period was in the ratio of 69 per cent, whereas the increase in population was only 37 per cent. Nor did that increase apply in the same degree to other classes of crime, because, taking the whole of the five classes of crime — excluding larcenies — the number of such offences in 1836-40 was about 25,000, while in 1866-70 it was 29,000 showing an increase of only 15 per cent, while—as he had before observed, the increase of population was at the rate of 37 per cent. It might be said that the increased number of committals for murder was due to the increased vigilance of the police. But from 1866 to 1870, when—as he had said—there were 324 trials for murder, the police returns showed that 630 murders had been reported to have been committed, while the coroners' inquests showed 1,274 verdicts of murder. These facts did not indicate that the police were over effective, nor did the fact that out of

630 reported murders, 324 persons were tried, and only 107 found guilty — in round numbers, one person in every three. But that was not all, for out of those 107 who were convicted, only about 50 were executed. What a chance, therefore, a murderer must feel that he had of escaping punishment! Two things deterred from crime—the severity of the punishment, and the chance of being caught out and convicted; but no one could say there was much chance or certainty of punishment when only 107 persons out of 630 offenders received the reward of their crime. He would turn now to other crimes for which the punishment was less severe than it had formerly been. In 1836-40, 777 persons were tried for horse stealing; in 1866-70, only 534. In the former period, 454 persons were tried for forgery; in 1866-70, there were 845; and considering the vast increase of population, and of written instruments bearing value, it was marvellous that the increase had not been infinitely greater. He had shown that in trials for murder, two persons were acquitted for one found guilty; but taking all crimes—including murder—the convictions were 73, and the acquittals only 27 per cent, so that there was a far greater chance of escape for murders than for other criminals, and that must tend to prevent the punishment of death from being deterrent. He quite concurred in the principle that the worst use to which a man could be put was to hang him, and he did not think anybody desired to hang men now-a-days, unless reasonable ground existed for believing that hanging would act as a deterring punishment. In the face of the criminal Returns and of the facts to which attention had been called, the only conclusion he could come to was that hanging did not act as a deterrent, and that view being once adopted, all the other considerations as to the possibility of error in the conviction, the uncertainty of execution of the sentence and so forth, all came into play with redoubled force. Under such a conviction he should support the second reading of the Bill.

Mr. WHALLEY said, he viewed the measure now under discussion as a demand following upon the natural progression of steps taken within the last few years for the mitigation of the severities of our criminal laws. The first of those steps was the appointment of a Royal Commission, consisting of 12 of the most competent men, to inquire into the question of capital punishment. Four of those Gentlemen had declared themselves unconditionally, and one (Lord O'Hagan) conditionally, in favour of the immediate abolition of capital punishment, and the whole Commission concurred in the opinion, that unless in the most aggravated cases of murder, capital punishment should not be carried out. The question as to whether capital punishment really acted as a deterrent seemed to him (Mr. Whalley) to have been determined and given up when the public executions of criminals were stopped, and he was well aware that no part of their present duty was more repugnant to governors of gaols and other gaol officials than that of assisting at executions within the walls. The hon. Member for Devonport (Mr. J. D. Lewis) destroyed the effect of his otherwise admirable speech when he contended that if capital punishment were abolished, soldiers and sailors guilty of flagrant misconduct in front of the enemy could not be put to death. But in that case the offenders would be engaged in an attempt to take life on a great scale, and there would accordingly be a clear necessity for putting them to death for the sake of preserving the lives of others. In Switzerland he had ascertained personally that they recognized the existence of a disease under which certain individuals felt themselves mysteriously impelled to commit murder. They viewed it as an uncontrollable monomania, and provided hospitals with specifics, for the reception of such cases. It appeared to him that they ought to act in a somewhat similar way in this country in reference to many cases of alleged murder.

Mr. NEWDEGATE: Sir, in the course of this debate two remarkable speeches have been delivered. The able speech of the hon. Member for Devonport (Mr. J. D. Lewis), in opposition to this Bill, has made me to regret that he has not more frequently brought his discriminating powers and logical arguments to bear upon the debates of this House. But the hon. Member had the misfortune to speak to almost empty benches; and I fear that may happen on this occasion, which I have often known happen on a Wednesday, that hon. Members will come down to this

House and vote without having heard arguments which I am sure would have carried conviction to the mind of any impartial person who entertained even a doubt upon this subject. The other remarkable speech was the speech of the right hon. Gentleman the Member for Oxford (Mr. Henley). I am sorry to say that this is another instance in which we find, with regard to that right hon. Gentleman, that his former principles have now nearly reached the vanishing point. What was the ground, and the only ground, upon which the right hon. Gentleman relied? He relied upon this—that whereas there has been a decrease in other crimes and in the convictions for other crimes, there has been an increase in the number of accusations for murder, and that the Returns failed to show that there has been a proportionate increase in the infliction of capital punishment. I know not why the right hon. Gentleman adduced the increase of the crime without alluding to the cause of the decrease in the infliction of the penalty upon that crime, which I hold to be the proportionate penalty for it—I mean capital punishment? It is now five years since I first called the attention of the House to the evil effects which were being produced in the Midland Counties by the uncertainty with which the capital penalty was inflicted as the consequence of the crime of murder. I then predicted that murder would increase—and murder has increased. The right hon. Gentleman the Home Secretary ought to know that the crime of murder is yet on the increase, and it seems to me very much in proportion to the uncertainty which has been superinduced, as to the infliction of the capital punishment which should be the certain consequence of the crime. That is my explanation of the ground upon which the right hon. Gentleman rests. I acknowledge that capital punishment as now inflicted is less deterrent. Why? Because its infliction has been constantly intercepted by the action of the Secretary of State. Then the hon. Member for Peterborough (Mr. Whalley) has had the hardihood to declare that the Royal Commissioners recommended the abolition of capital punishment. They recommended nothing of the kind. They recommended a more accurate definition of the crime of murder, and that only in cases of aggravated murder should capital punishment be inflicted; but they recommended its invariable infliction in those cases.

MR. WHALLEY: Sir, I rise to Order. I trust the House will pardon me, while I state that I did not say that the Royal Commission recommended the abolition of capital punishment. I said that they never did so; but that they did so with regard to one class of murder.

MR. NEWDEGATE: The hon. Member, I am glad to hear, is more correct than I understood him to be. It is quite true that there was a minority of the Commission who recommended the abolition of capital punishment; but the majority were distinctly opposed to it. I am willing to admit to the hon. Gentleman that the Commissioners wished the crime to be more accurately defined, and I think there are strong reasons for taking infanticide out of the category; but nothing can be more emphatic than the declaration of the majority of the Judges that for the safety of the community, capital punishment should not only be retained, but with certainty inflicted upon those who are guilty of deliberate murder. [MR. WHALLEY: No, no; it is not so.] That was the recommendation of the Commissioners, and therefore I am not wrong in saying that the hon. Member for Peterborough has misinterpreted their Report. Well, Sir, but there are reasons why this proposal for the abolition of capital punishment has grown into importance. There is an active political agency at work. I brought forward a case of undue remission of capital punishment upon the murderer Scott. The murder was committed in Birmingham in 1867. I was threatened by that Society. As the House might reasonably expect, I set that threat at defiance. This is, I believe, a democratic agency; and it is one phase of modern democracy to object to the legal infliction of capital punishment, whilst the practice of democracy in the United States, as shown by the hon. Member for Devonport and elsewhere, is this—that, whilst it objects to the deliberate trial, the calm sentence, and the solemn infliction of capital punishment, it seeks to grasp the use of that penalty for itself, and to inflict death not as the result of deliberate judgment, but as the effect of the impulse of the multitude. That agency, being democratic, is found in active operation in this country.

There is another agency at work—it is the Ultramontane agency. We shall have evidence of it in the division. The Ultramontane agency is opposed to capital punishment, because it is opposed to law. [“No, no!”] But I say, yes. I say this, basing my assertion upon the experience of the German Empire and the German people—and that one instance will suffice for the present—that the Ultramontane agency is jealous of the execution of any law which it cannot influence. It is as hypocritical as the Inquisition, the memory of which it eulogizes. What is the history of the Inquisition? Oh, the Inquisition never inflicted capital punishment! It was too holy an office to inflict capital punishment! So it made over its criminals to the civil power; and then in modern days its advocates have had the hardihood to condemn the civil power for executing that which were, in fact, its own decrees. That is the other agency which is opposed to capital punishment. Sir, I have brought case after case from the Midland Counties before this House, ever since 1867, as the representative of an intelligent constituency. In 1867 John Scott deliberately murdered John Prise, and was sentenced to death. That sentence was commuted. Ten magistrates and 3,000 inhabitants of Birmingham requested me to remonstrate in this House, and I remonstrated. Another murder was also committed in the county which I represent. Michael Atkins murdered his wife on the 22nd of April, 1869. That sentence was commuted by the present Home Secretary in the strangest way. The capital sentence was commuted into a year's imprisonment. Well, the American feeling began to arise among my constituents. I warned the right hon. Gentleman that if this man, at the expiration of his sentence, went back to the neighbourhood where he committed the murder, the people would be inclined to adopt the American fashion and take the law into their own hands, and so the right hon. Gentleman provided him with means to go I know not where. There is an illustration of the modern system of commuting punishment. Then comes the case of Arthur Brown, who this year murdered John Milward at Coventry. I am sorry to say that the Lord Lieutenant, with some ill-advised persons, prayed for the commutation of the sentence. Well, it was commuted, and within a few days William Randall stabbed George Johnson to death within eight miles of the same place. These are a series of crimes which have followed upon this system of commutation; and then the right hon. Gentleman the Member for Oxfordshire rises up and says that capital punishment is of no avail, because it has ceased to be deterrent. Why has it ceased to be deterrent? Because it has not been regularly inflicted. That is the reason the punishment has not been deterrent. We feel it in the Midland Counties. I have represented it to this House. It is a punishment that will not be deterrent—it is not justifiable if it is not certainly inflicted. If this Motion had been in the terms of the Amendment of which Notice has been given by the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson), an Amendment that would have carried out the recommendations of the Commission, I would have voted for it. But I believe that the highest modern intellect at present evinced in the acts of the German Empire is not deceived when it declares that the Scriptural dictum is right—that his blood shall be required by man who sheds man's blood deliberately for his own purposes. Believing that that is a fundamental truth, I shall most certainly vote with the hon. Member for Devonport in support of that which I love not better than any other man—the maintenance of the punishment which I value because my nature shrinks from it. All that has been said about the horror which this punishment excites, to my mind justifies its infliction, because it is pointed out in the Sacred Writings as the appropriate punishment of a crime which from the time of our first parents has stood alone in its consequences. Sir, there is a great deal of morbid sentiment displayed about this question. We have had here amiable persons collected in order that they may devise some better means of secondary punishment. Let us consider your secondary punishment. You had the other day a murder—and I say it was murder—the murder of William Murphy. His murderers were tried for a secondary offence. There was a secondary punishment inflicted upon the murderers. It was only a year's imprisonment; but that was subjected to the same rule of commutation, for immediately the murdered man was buried, the Home Secretary remitted two months of that year's hard labour which had been imposed upon the murderers. Talk not to me of your secondary punishment. Imprisonment for life, without hope of remission, is a punishment more cruel than death. I have seen something of it in the United States. I have seen the attempt made, and the miserable wreck of human nature resulting from the slow and gradual progress of infernal and cruel oppression of the vital faculties which that punishment inflicts, until human nature dissolves beneath its pressure. Talk not to me of mercy, if you mean imprisonment for life. But you do not mean imprisonment for life; you mean imprisonment nominally for life, to be commuted to imprisonment for a certain period, according to the pressure that shall be brought to bear, by some popular or other agency, upon the authority having power to remit the sentence. And to what does all this tend? It tends to this—that the inhabitants of this country shall hold their lives free from danger of murder on the same terms as future murderers—if according to your wishes you pass this Bill—shall hold theirs—at the pleasure of the Secretary of State. That is what it means. The increase of power in the hands of the Secretary of State by this practice of commutation is enormous. Our forefathers thought it enough that their property was held subject to the political agency of the State. You would make us hold our lives upon that condition. And now I state this—the English people are of the same race as the Americans, and if you will not give them the security for their lives, which the law enforcing this punishment has for ages afforded, I believe they will do—whether you like it or whether you do not—just what the Americans habitually do, and take the law into their own hands in cases of aggravated murder.

MR. WHALLEY: I ask permission of the House to set myself right with regard to the contents of the Report of the Royal Commissioners, which I think the hon. Member for North Warwickshire said I had misinterpreted. The Report says—

> "The Commissioners unanimously forbear to enter into the abstract question of the expediency of abolishing or maintaining capital punishment, on which question differences of opinion exist among them; but they are of opinion that certain alterations ought to be made in the existing law."

And four of them signed the following:—

> "The undersigned were of opinion that capital punishment might safely and with advantage to the community be at once abolished."

MR. NEWDEGATE: That is the Report of the minority.

MR. A. W. YOUNG, whose experience had lain in a British community at the other end of the world, said, that as the holder of a patent office it had been his duty to attend all the criminal trials in Sydney and on circuit; and the opinion which he formed was that the fear of death was not deterrent to any considerable extent. On the contrary, it seemed to him that one murder, in fact, led to another. Having on one occasion seen a man condemned to death who was innocent, and who was only saved by the accidental discovery of some material circumstances between the conviction and the day fixed for execution; and having suspected, with fully good reason, that there had been a miscarriage of justice in other cases, he should support the Bill.

SIR COLMAN O'LOGHLEN entertained no doubt that the State had as good a right to execute persons who committed murder as to do any other action in the world. But believing from his own experience in criminal trials that the existence of capital punishment threw difficulties in the way of obtaining convictions for undoubted crimes, he was disposed to vote for the Bill. There had been a case within the last fortnight in which but for the existence of capital punishment a conviction would undoubtedly have been obtained; and within the last 48 hours he himself had prosecuted in the county Cork a man about whose conviction, but for the penalty of death, he felt certain, but who, in consequence of the state of the law, had been acquitted. There were other cases which he could mention; but as the prisoners might be put on their trial again, he refrained from doing so. Every one of the Crown Solicitors on the Munster Circuit, and he believed the majority of the Judges, were of opinion that if capital punishment were done away with the number of convictions would be increased. At a trial in Limerick, where a great crime in law, amounting to murder, had been committed, if those acting for the Crown had not thought proper to strain the law a little and consent to a verdict of manslaughter, five persons, who, as it was, had been sentenced to periods of penal servitude varying from five to 20 years, would have been walking about the country, exulting in the impunity with which their crime had been committed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. DOWSE) said, he should have taken no part in the debate but for the remarks of his right hon. and learned Friend who had just sat down. He could not allow those observations to go forth to the public uncontradicted, as if they represented the views of those who were intimately acquainted with the criminal jurisprudence of Ireland. For his own part, he entirely differed from the conclusion arrived at by his right hon. and learned Friend. There was no doubt that in particular instances the view which juries took of their duty had been affected by the knowledge that their verdict would endanger the life of the prisoner. But because individual prejudice had taken that view, was that any reason for making an alteration of such vast importance in the general law? Juries had differed in England and in Ireland upon other subjects than trials for murder. He held, for instance, in his hand a telegram from the assizes in the Queen's County informing him that the jury had disagreed in a case of effigy-burning of Mr. Justice Keogh. The penalty of death did not enter into the deliberations of those jurymen. Juries were influenced by many motives in coming to a decision; some might be incapable of understanding the evidence, and some might be influenced by political or religious considerations. His unqualified opinion was that death should follow murder in the first degree without exception. There could be no such deterrent as death. Let any hon. Member ask himself the question which would be the greatest deterrent to him, death or penal servitude for life? With reference to the case tried at Limerick, he supposed his right hon. and learned Friend had made a slip of the tongue, for it was obviously inaccurate to say the Crown in that case had directed a verdict of manslaughter.

MR. T. CAVE: I rise to offer a short comment—a very short comment—upon the speech of the hon. Member for Merthyr (Mr. Richard). That hon. Member asks that the law which permits the infliction of capital punishment for a capital offence shall be repealed, and that henceforth, murderers even in the first degree shall escape their liability to execution. And he does so principally upon two grounds—first, because, in his opinion, experience proves that, where death sentences are legal, the crime of murder largely prevails; whereas, where sentences for these crimes are less severe, the crimes themselves are fewer in number and less atrocious in degree. And, secondly, because, taken as a whole, severe sentences are not deterrent. In reference to the second argument, which has been dealt with by other speakers, I shall only remark that I thought we were all agreed that in brutal offences—as, for instance, in the prevalence of garrotting—the application of the lash, as a part of the punishment after conviction, had been found very efficacious, the number and the violence of those crimes having greatly decreased since the change in the law. [Mr. GILPIN: No, no!] The hon. Member for Northampton says "No, no;" but this I am able to say of my own experience—that whereas, prior to the change in the law to which I have referred, I felt it necessary to carry my loaded revolver in my nightly passages across Hampstead Heath, after the change in the law that precaution became entirely unnecessary. The criticisms, however, to which I ask the attention of the House, I desire to direct principally to the first argument of the hon. Member for Merthyr. In the course of his argument that hon. Gentleman favoured us with statistics which he had received from the Italian authorities, and which said that whereas convictions for murder in Sardinia were 1 in 13,000 of the population per annum, they were proportionately less numerous through the various divisions of Italy, until in Tuscany, the most favoured division of all in this respect, the convictions for murder were only 1 in the 160,000 of the population per annum. The hon. Member for Merthyr went on to say that in Sardinia death punishments were still the law, whereas in Tuscany the punishment of death had been entirely abolished; and he desired the House to infer that the frequency of murders in Sardinia resulted from this state of the law, and the unfrequency of them in Tuscany from the milder form of punishment which prevailed. If the hon. Member for Merthyr had been practically acquainted with these countries, he would not have felt at liberty to make the deductions which he has made from the statistics which he has submitted; but would have sought otherwise in order to inform himself why this great difference prevailed. It is true—and in this respect the hon. Member for Merthyr has not overstated his case—that murders are much more prevalent in Sardinia than they are in Tuscany and in some other parts of Italy; but it is equally true—and this fact is essential to the clear appreciation of the truth—that although the punishment of death remains upon the statute book of Sardinia, it is nevertheless but very seldom indeed inflicted. It has been my fortune four times to visit Sardinia, and upon the two latter occasions to reside there for some little time, having continuously the opportunity of a free, friendly, and confidential intercourse with the principal authorities of the island. My experience leads me to the conclusion that the prevalence of murder results, not because the punishment of death remains upon the statute book, but because, in the first place, the crime of murder is not looked upon with that abhorrence with which it is regarded in this country; but, on the contrary, it is usually treated but with too great an indulgence, if not with actual sympathy; because, also, it is but too commonly the case that inhabitants of Sardinia habitually carry knives, daggers, and other offensive and dangerous weapons, available upon short notice and upon slight provocation; and because that spirit of vendetta, for which the Italian races have been too notorious, has been but partially uprooted by the advancing tides of civilization. Another reason why the crime of murder prevails, especially in Sardinia, may be found in the fact that convictions for murder are extremely difficult: with every desire to administer justice on the part of the authorities, it is extremely difficult to obtain reliable evidence, and thus also to secure convictions; and so in the best percentage of cases murderers escape almost with impunity. Within a few weeks of the present time an *employé* of my own was stabbed in the streets of Cagliari; and although his companion gave me the circumstances of the attempted assassination in considerable detail, he declined to give evidence to the authorities, lest the spirit of vendetta might bring upon him the same danger from which his companion had only just escaped with his life. Mr. Speaker, as in Sardinia, so in other parts of Italy, the crime of murder prevails, not in proportion to the severity of the law, but in proportion to the developed civilization of the Province, and in proportion to that wholesome explosion of public opinion, which gradually but certainly educates each rising generation. So in our own country. I believe that the abolition of death punishment would not bring about a more rapid decline in the crime of murder; but that that decline would go on and continue, in exact proportion with the horror and contempt in which it is held by our populations; and I think that we shall all of us best advance the object we have in view, not so much by exhibiting a sympathetic desire to save the forfeited lives of individual criminals, as by each doing his part to educate the developing thoughts upon this subject in the direction which shall make the offence of murder secure to the murderer that great and certain punishment which is his due, and which in the end will best impress upon all the thought of the Commandment—"Thou shalt commit no murder."

MR. TIPPING said, he could entirely corroborate the opinion expressed by the last speaker. His experience, gathered during a residence at Palermo of some considerable duration, had led him to the conclusion that there was a want of moral fibre, and that the whole of the sympathies of the population of Italy, especially in the South, were with the criminal; and this state of things was accompanied by a strong feeling of terror at the idea of giving evidence, so that it was next to impossible to procure a conviction. He gathered from a report of a recent debate on the question of punishment by death in the Italian Chamber, that the majority of the Council of Ministers was in favour of the punishment. Sella went further, and maintained that not only should the punishment of death be maintained, but that it should be used "without too much parsimony." "Italy," he added—

> "was the country in all the world where the people killed the most and hanged the least;

whereas in England they killed the least and hanged the most."

The most determined opponents to capital punishment was the Society of Friends and the humanitarian revolutionary party. With regard to the first, as in everything else, they were truly consistent, and he honoured them for it. It must, however, be remembered that they were not only opposed to capital punishment *per se*, but to war, and to the sacrifice of life in any shape whatever. The second, however, objected to hanging because they objected to anything which gave expression to the principle of authority. They denied that society was divinely constituted—having divine rights and attributes; they maintained it was a mere affair of convention; and that the exercise of authority was an affair of personal tyranny. Invariably, however, that party, when they had gained possession of power—and more especially in France, after abolishing with great pomp and circumstance the punishment of death, were the first to erect the "great national chopper." The heroes of the Reign of Terror, for instance, were all humanitarians at one period of their career. The director of the executions at Arras was originally a humanitarian; but in later times he entertained his friends upon the balcony of his house at Arras with a good view of the chopping of the guillotine. The growing softness of juries, which had been commented upon so persistently by the hon. Gentleman who introduced the Bill (Mr. Gilpin), was a relaxation of the moral fibre, and merely another example of the growing tendency to flinch from duty when it was not agreeable. Many persons, too, were incited to argue against capital punishment from a feeling of supreme pity for the right hon. Gentleman opposite (Mr. Bruce). He (Mr. Tipping) had no pity for him. The right hon. Gentleman had accepted a post of great distinction, and he must bear the responsibilities attached to the position. No doubt some of his duties were painful; still they must be fulfilled as a man of courage knew how to fulfil them. At the risk of shocking some hon. Members, he would take the hon. Member opposite (Mr. Richard) upon his own ground. The hon. Member relied upon the Christian argument, and asserted that it was part of the design of Christianity to abolish capital punishment.

It was impossible, however, to disassociate logic altogether from the consideration of this point, and he would remind the House that the very first judicial act of the Apostles under the new dispensation—that in the case of Ananias and Sapphira—was an award of the punishment of death for an offence which an English jury would regard as very far short of a capital crime, and which, according to English law, would be considered as less than a misdemeanour. In conclusion, he would express a conviction that it was necessary to encourage in England a strong sense of duty, and a courageous performance of duty; and that it was equally necessary to destroy that feeling of mawkish sentimentality which found expression in proposals such as that contained in the Bill before the House, and which if allowed to gain ground would undermine the national character.

The ATTORNEY GENERAL said, he had not purposed to trouble the House upon that occasion; but he thought it was due to the great eminence of the right hon. Gentleman the Member for Oxfordshire that he should make a few observations upon the speech which he had addressed to them, and call the attention of the House to the fact that many of his statistics were not such as the House could, in the shape in which he was pleased to give them, altogether rely. The right hon. Gentleman met this case, as he had every case, like a man. He dismissed from consideration many of those arguments which he, probably, felt were rather of a sentimental than of a real character, and he said we must do our duty according to the light that we possessed, and that we should not be doing wrong in taking away a man's life if the justice of the case required it. He (the Attorney General) did not complain of that line of argument. His opinion was that it was better to argue a question of this kind upon the ground of fact rather than from the basis of opinion. The right hon. and learned Member for Clare (Sir Colman O'Loghlen) had argued that in certain cases juries went wrong because the punishment of death was not likely to be inflicted; and that in certain other cases they went wrong because the punishment of death was likely to be inflicted. It was impossible, however, to judge of particular cases without being in full possession of the facts, and he deprecated raising an argument upon isolated instances, from which the House could not judge, because it had not an adequate knowledge of the details, and therefore could not apply the proper test to these arguments. The hon. Member for North Warwickshire (Mr. Newdegate) had said that the punishment of death had ceased to be deterrent in consequence of the number of sentences commuted by successive Home Secretaries. The hon. Member had, no doubt unintentionally, been misled by his well-meaning but extreme zeal in his reference to the case of Murphy to speak of the persons concerned therein as having been tried for the murder, whereas they were tried for aggravated assault only.

MR. NEWDEGATE said, that he had considered the case of the infliction of secondary punishments, and had stated with reference to Mr. Murphy that he was proved to have been murdered.

THE ATTORNEY GENERAL understood that the hon. Member had referred to the trial for murder.

MR. NEWDEGATE said, the wrong-doers were tried for a secondary offence, and he complained that the secondary punishment had been commuted.

THE ATTORNEY GENERAL must appeal to the recollection of the House upon the question. He had no doubt that, from the peculiar temper of his mind, the hon. Gentleman had been unintentionally misled; because there were such things as prejudices on most subjects, and they were calculated to mislead the judgment. He took the argument of the hon. Gentleman to mean that the secondary punishment was improperly commuted by the Home Secretary. But from the earliest time the property of mercy had resided in the Crown, even in the most despotic times, such as those of Henry VII., Henry VIII., and Queen Elizabeth; but those monarchs had not proceeded on a perusal of the documents, but had entrusted that office to a Lord Chancellor, a Secretary of State, or a Lord President, upon whose advice they acted. As soon as constitutional Government was established, it became the rule to depute authority to the Home Secretary in the matter, and for a long series of years that practice had been followed. He now came to the manly and straightforward argument of the right hon. Member for Oxfordshire—that the punishment of death was not deterrent, and that if it was not necessary to the safety of the State it was not justifiable. He could not put the right of the State so low as did some, for the mind of man was so constituted that it was not satisfied with taking less than life for certain offences of great enormity. The right hon. Gentleman took two periods of five years each—one period extending from 1836 to 1840, the other from 1866 to 1870—and he stated that the committals for murder in the first period were 191, and in the second period 324. But the right hon. Gentleman said that this did not represent the whole case, because the police returns showed that there were 630 offences committed. The right hon. Gentleman referred further to the coroners' inquests, the facts revealed before many of which established a *primâ facie* case of murder, the whole number being 1,274. Thus, the right hon. Gentleman assumed that 1,274 murders were committed while punishment of death was being carried into execution. What was the answer? It was that the right hon. Gentleman had not completed his figures, and had not stated the convictions and executions. If the right hon. Gentleman had given convictions and executions during the first five years, and those which had taken place during the second five years, and shown that there was an increase of crime of murder proper, he might have established a strong argument; but the right hon. Gentleman did not supply the House with the real list of the whole case. He (the Attorney General) would try to supply that. In the first series of five years, from 1836 to 1840, the number of convictions was 87, and the number of executions 40. He could not speak so certainly of the correctness of the figures for the years from 1866 to 1870; but he believed he was correct in stating that the number of convictions was 111, and of executions 49—showing the proportion during the two periods to be almost as close as possible. What, then, became of the argument of the right hon. Gentleman? The right hon. Gentleman, too, had quoted in his figures cases of infanticide which, by the law of England, came under the technical designation of murder, but which were not visited with its penalty, and, indeed, no one expected they would be. Moreover, the number of inquests could surely be no test; an inquest was held in almost all cases of sudden or violent death, whether the result of accident or other abnormal cause; and, in the majority of cases of inquests, murder was not only not suggested, but not even suspected. The only way, however, to arrive at a sound conclusion was to take the crime of murder in its worst development, where it had been committed deliberately and with malice, and to see whether convictions and executions for that kind of crime had increased. He thought that if the right hon. Gentleman did so, and applied the talents which he so often exercised as objector extraordinary to loosely-drawn Bills to the subject before the House, he would not come to the conclusion which he had announced. He (the Attorney General) must say that he had failed to be convinced by the arguments adduced, and he thought the House would be doing wrongly if it were to assent to the abolition of the punishment of death.

Mr. BRUCE said, that after the exhaustive speech of his hon. and learned Friend (the Attorney General) it would be unnecessary for him to detain the House at any length. He would at once admit that if it could be shown that capital punishment had failed to have a deterrent effect, a fair case would have been made out in favour of its abolition. The argument of the right hon. Member for Oxfordshire was that, in spite of the infliction of capital punishment, the crime of murder was increasing; and, on the other hand, the argument of the hon. Member for North Warwickshire was that capital punishment had ceased to be deterrent in this country in consequence of the prerogative of mercy having been improperly exercised by himself in his capacity of Home Secretary. With regard to the first objection, it could not be denied that our system of police had greatly improved throughout the country, and that the chances of escape of a murderer had much decreased of late years. To show that the crime of murder had not increased in recent years, he might state that in the three years ending in 1868, when his right hon. Friend the Member for the University of Oxford (Mr. G. Hardy) was Home Secretary, 148 males had been tried for murder against 102 tried for that offence in the three years ending in 1871, being a diminution of 46. In the first three years 74 males had been sentenced to death and 32 executed against 46 sentenced to death and 20 executed in the latter three years. He was content to show that this diminution of crime had occurred under a system which had been approved by the intelligent portion of the community. Were every person upon whom sentence of death was passed to be executed the result would be that next year a Bill for the abolition of capital punishment would be passed. It must be remembered that the Judges could exercise no discretion in passing sentence; if the jury found a man guilty of murder the Judge was bound to pass sentence of death upon him, although both he and the jury might be of opinion that the sentence ought not to be carried into execution. Our law admitted of but the one punishment for the crime of murder, although the circumstances under which the crime was committed might vary infinitely; and the only person who had the power of tempering the occasional harshness of the law was the Home Secretary. It had been alleged in the course of the debate that the Home Secretary was liable to be influenced, however right-minded and upright he might be; and that, under these circumstances, it could not be otherwise than that the law would be strained in favour of the rich as compared with the poor. The only reply he had to make to that insinuation was, that neither himself nor his predecessor had ever allowed themselves to be influenced in their exercise of the prerogative of mercy by anything except the written documents in each particular case. In the case cited by the hon. Gentleman the Member for Northampton (Mr. Gilpin), in such a way as to excite the horror of the House, in which it was alleged that a medical man had declared that the person guilty of the murder was a madman, all he could say was that one medical gentleman had set himself up to decide the case against the opinion of the jury who had heard his evidence, and the Judge who had presided over the trial, and who had both declined to give any indication that they were dissatisfied with the result, which the Home Secretary would not have been justified in setting aside on the *ipse dixit* of one medical gentleman. He could not refrain from saying that the occasional display of humanitarian feelings on the part of some persons rendered the exercise of the prerogative of mercy by the Home Secretary even more difficult than it otherwise would be. Juries who might hesitate to find persons guilty of murder if it were certain that the sentence would be carried into effect, now gave their verdicts according to law, in the full belief that justice would be done according to the real guilt of the criminal. He was satisfied that the system of punishment for capital offences in this country might advantageously compare with that which existed in any other country. It was, however, quite useless to compare the systems of criminal law in various countries unless we were thoroughly acquainted with the exact state of their civilization. The hon. Member for Devonport (Mr. J. D. Lewis) had shown that in many countries where the criminal law was lax the people took the law into their own hands, and that in other countries, where capital punishment had been abolished, some of the highest intellects had grave doubts whether the change had been beneficial. In his opinion, capital punishment had a general deterrent effect, although, perhaps, not sufficient to prevent the indulgence of wild feelings of vengeance, of cupidity, and of brutality. Under these circumstances, he must give his vote against the Bill.

MR. GILPIN, in reply, said, he had nothing to complain of in the tone of either the hon. Mover or the Seconder of the Amendment. The former had made a speech of great ability, but the hon. Member would not feel offended if he (Mr. Gilpin) expressed a wish that it had been made in a better cause. He had done his best to show that the punishment of death did not deter from the commission of the crime of murder. He denied that there was any maudlin sentimentality mixed up with the agitation of this question, and he confidently asked for the favourable verdict of the House.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 54; Noes 167: Majority 113.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

PENSIONS COMMUTATION ACT (1871) [TELEGRAPH OFFICERS] BILL.

Resolution [July 23] *reported;*

"That it is expedient to extend the provisions of the Pensions Commutation Act, 1871, to Officers and Clerks of Telegraph Companies who are entitled to Annuities."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. BONHAM-CARTER, Mr. MONSELL, and Mr. BAXTER.

LOCAL COURTS OF RECORD BILL [*Lords*].

Select Committee on the Local Courts of Record Bill *nominated:*—Mr. SPENCER WALPOLE, Mr. ATTORNEY GENERAL, Mr. RUSSELL GURNEY, Mr. HINDE PALMER, Mr. JAMES, Mr. GOLDNEY, and Mr. HENRY WEST:—Three to be the quorum.

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, 25th July, 1872.

MINUTES.]—*Sat First in Parliament*—The Lord Gifford, after the death of his father.

PUBLIC BILLS—*First Reading*—Local Government Board (Ireland)* (246); Railway Rolling Stock (Distraint)* (247); Wild Birds Protection* (248); Irish Church Act Amendment (No. 2)* (249).

Second Reading—Corrupt Practices at Municipal Elections (228); Galashiels Jurisdiction Act Amendment* (226); Elementary Education (Elections) (No. 2) (240).

Committee—Pier and Harbour Orders Confirmation (No. 3)* (202-250); Grand Juries (Middlesex)* (235).

Committee — Report — Grand Juries (Ireland)* (225).

Third Reading—Sites for Places of Worship and Schools, *now* Sites for Places of Worship, &c.* (214), *discharged;* Petroleum* (193); Tramways Provisional Orders Confirmation (No. 3)* (145); Statute Law Revision (No. 2)* (217); Metropolitan Tramways Provisional Orders Suspension* (220), and *passed.*

Royal Assent—Consolidated Fund (£8,000,000) [35 & 36 *Vict.* c. 37]; Naturalization [35 & 36 *Vict.* c. 39]; Infant Life Protection [35 & 36 *Vict.* c. 38].

ARMY—THE AUTUMN MANŒUVRES.

QUESTION.

EARL DE LA WARR said, he was about to put a Question to the Under Secretary of State for War on one or two points in connection with the Autumn Manœuvres, and he ventured to think that it would be a great convenience to military men and the public if the noble Marquess could give him the information for which he was about to ask. He begged to ask, On what day the troops would be put in motion, and upon what day the opposing forces would come in contact with one another?

THE MARQUESS OF LANSDOWNE replied that the Southern Army would be assembled at Blandford on the 17th of August; the Northern Army would be assembled at Pewsey on the 31st; the two Armies would march from Blandford and Pewsey respectively on the 3rd of September. The Manœuvres would commence on that day, and continue until the 12th, when the march past would occur. He could not go so far as to say when, to use the expression of the noble and gallant Lord, the two Armies would come in contact.

CORRUPT PRACTICES AT MUNICIPAL ELECTIONS BILL—(No. 228.)

(*The Lord Penzance.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD PENZANCE, in moving that the Bill be now read the second time, said, it had a two-fold object—one to provide for the prevention of corrupt practices at municipal elections, and the other to furnish a tribunal before which the validity of all municipal elections might be tried. Their Lordships knew that after the passing of the Reform Act in 1832 an Act was passed which contained provisions against bribery and corruption at municipal elections. The penalty under that Act was £50. By the 27 *Vict.*, c. 35, a penalty of 40*s.* was provided, this latter penalty being recoverable in a County Court. It would be generally admitted that those two Acts were not adequate for the suppression of those corrupt practices. Since the passing of the Reform Act of 1867 the franchise for municipal electors had been lowered, and the number of such electors largely increased, so that it was now pretty nearly identical with that of the Parliamentary electors. It was generally known that those who took an active part in municipal elections did so to some extent in connection with the Parliamentary elections. Under these circumstances, it had been thought well to introduce this Bill. The first portion of it contained provisions similar to those in existence against corrupt practices at Parliamentary elections. The second portion contained clauses constituting a tribunal for the trial of the validity of municipal elections. Up to the present time there had been no such tribunal. The only manner of proceeding in such case was by *quo warranto* in a Court of Common Law; but by that process it was necessary to try the question of the validity of each individual vote, and to strike off votes one by one before a majority could be disposed of. That was a costly and cumbrous system, and one in no way suited to the state of things with which the Bill proposed to deal. The Bill provided that the Election Judges under the Act of 1867 should be authorized to nominate some four or five barristers, whose duty it would be to inquire into such cases. It was further provided that the barristers to be nominated should be in no way connected with the place in which the controversy had arisen. They were not to be barristers practising or revising on the circuit in which that place was situate, nor to have any kind of connection with the borough. Those barristers would have the power of awarding costs. In matters of law there would be an appeal to the Court of Common Pleas. The noble and learned Lord concluded by moving that the Bill be now read a second time.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

ELEMENTARY EDUCATION (ELECTIONS) (No. 2) BILL.

(*The Lord President.*)

(No. 240.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF RIPON, in moving that the Bill be now read the second time, explained that, with the exception of one provision, it was the same which was rejected by their Lordships on a former evening. It was confined to the continuance of the powers to regulate school board elections, conferred upon the Education Department by the Act of 1870; and it did not contain the clause directing those elections to be taken by ballot. The noble Lord concluded by moving that the Bill be now read a second time.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

BRICKFIELDS.

ADDRESS FOR A RETURN.

THE EARL OF **SHAFTESBURY**, in moving an Address for a Return relating to Brickfields, said, that in his Notice he had mentioned only three counties; but he wished the Return to extend to all the counties in which there were brickfields. He had received many letters from various parts of the country, which stated that, notwithstanding the Act passed last year, the evils to which he had called the attention of their Lordships on former occasions still went on in brickfields.

THE EARL OF **LONGFORD** rose to Order. There was a debate going on at the Bar which prevented the House from hearing what the noble Earl (the Earl of Shaftesbury) was saying. [*Cries of* "Bar!"]

THE EARL OF **SHAFTESBURY** said, he was informed by his correspondents that, owing to the number of Inspectors being too small, in some places there was scarcely any inspection of brickfields, and that the people working at brickmaking in some districts had not even been informed of the provisions of the Act of last year. In Kent and other counties where there was an efficient inspection there was no complaint. He was led to believe that in some instances the Inspectors appointed were persons who had not had such experience as would qualify them for the post, and he thought also that the number of Inspectors might be enlarged. He begged to move for the Return in the enlarged form.

Moved, That an humble Address be presented to Her Majesty for the number and names of the officers appointed to inspect brickfields, with the number of visits made by them to such brickfields during the past twelve months.—(*The Earl of Shaftesbury.*)

THE EARL OF **MORLEY** ventured to thank the noble Earl for having called attention to this subject. As to the inspection, he had to state that, though the Act putting brickfields under inspection passed last year, it was not until the dry weather set in that the brickmaking began and the inspection could be carried out. The Act had been only three months in operation as regarded the brickfields, and this might account for the apparent laxity to which the noble Earl had called attention; but he believed that in the Eastern and Southern districts of England the inspection had been carried out in a satisfactory manner. The noble Earl complained that the number of Inspectors was not sufficient. Their Lordships would remember that the business of the Inspectors was increased last year by workshops having been placed under the Factory Acts, and by inspection having been extended to brickfields. When these changes came into full operation, if it was found that an increase in the number was necessary, no doubt it would be made; but he believed that at present it was not felt necessary that there should be any increase. There was no objection to the production of the Return moved for by the noble Earl.

Motion *agreed to.*

TREATY OF WASHINGTON—THE BRITISH COUNTER CASE.

EXPLANATION.

LORD **REDESDALE** said, he wished to call the attention of the noble Earl the Secretary of State for Foreign Affairs to a matter which was a little personal to himself (Lord Redesdale.) On Tuesday evening, he had called attention to what he had always contended for—namely, that we ought, in the first instance, to deny our liability for the damage done by the *Alabama* and similar vessels, seeing that the Southern States had since become reunited to the American Republic, which was, in fact, now demanding compensation for wrongs done to it by one of its component parts. The noble Earl opposite, according to what appeared to be a very accurate report of his speech, said on that occasion—

> "The noble Lord must not think that he has the sole property of that argument, for the question was considered by the Legal Advisers of the Crown; and not only by them, but I have had letters on the subject from different persons, some of them of very great authority, and some of them of no particular authority."

He (Lord Redesdale), however, found that on the 12th May, 1872, the noble Earl used this language—

> "The noble Lord had raised a point which had not, that he was aware, been previously raised. It certainly had not suggested itself to the Legal Advisers of the successive Governments which had to deal with the question, and it had not formed a portion of the instructions given to our Commissioners."—[3 *Hansard,* ccvi. 700.]

He ventured, therefore, to think that the letters which the noble Earl had received on the subject must have been subsequent to the 12th May, 1871.

Earl GRANVILLE made some observations in reply which were not heard.

IRISH CHURCH ACT AMENDMENT (NO. 2) BILL [H.L.]

A Bill to amend the Irish Church Act, 1869—Was *presented* by The Marquess of Lansdowne; read 1ª. (No. 249.)

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 25th July, 1872.

MINUTES.]—Public Bills—*Resolution in Committee—Ordered—First Reading*—Kensington Station and North and South London Junction Railway Act, 1859 (Repayment of Moneys)* [273].

First Reading—Summary Jurisdiction* [274].

Second Reading—Boundaries of Counties (Ireland)* [267]; Royal Military Canal Act Amendment* [270]; Ecclesiastical Dilapidations Act (1871) Amendment* [269].

Committee—Report—Treaty of Washington* [260]; Military Manœuvres* [251]; Statute Law Revision* [283]; Drainage and Improvement of Lands (Ireland) Supplemental (No. 3)* [265]; Countess of Mayo's Annuity* [268].

Committee—Report—Considered as amended—Third Reading—Church Seats (*re-comm.*)* [194], and *passed.*

Considered as amended—Debtors (Ireland)* [228]; Bankruptcy (Ireland) Amendment* [227]; General Police and Improvement (Scotland) Act 1862 Amendment* [250].

Third Reading—Law Officers (England) Fees [257]; General Police and Improvement (Scotland) Supplemental* [238]; Factories (Steam Whistles)* [263], and *passed.*

NAVY—DOCKYARD ARTISANS (PAY).

QUESTION.

Mr. J. D. LEWIS asked the First Lord of the Admiralty, Whether, looking to the general rise in wages throughout the country, he will, at an early period, take into his consideration the propriety of revising the scale of pay of artisans in Her Majesty's Dockyards?

Mr. GOSCHEN, in reply, said, that no revision of the scale of pay in Her Majesty's dockyards was contemplated beyond the addition to the wages of the labourers in the dockyards and victualling yards which he announced on Friday last.

POST OFFICE—TELEGRAPHS.

QUESTION.

Mr. LEA asked the Postmaster General, If, on the completion of the New Post Office, provision will have been made by an increased number of telegraph wires and trained clerks for the increase of business consequent on the contemplated reduction in the charge for telegrams?

Mr. MONSELL replied that no decision on the subject had yet been come to.

MR. JUSTICE KEOGH—KERRY MILITIA.

QUESTION.

Mr. KAVANAGH asked the Secretary of State for War, Whether his attention has been called to that part of the Charge delivered by Baron Deasy, when presiding as Judge of Assize at Tralee the other day, where, referring to the burning of the effigy of Judge Keogh, he said—

"This disgraceful proceeding was allowed to go on from commencement to conclusion without any attempt on the part of the police to interfere with those concerned in it. The example, owing to inaction thus set in the capital, was followed in the provinces, and those scenes were allowed to go on, for what reason I know not, without any attempt to prevent or punish the perpetrators of them on the part of the authorities. But the one we have to deal with is distinguished by one remarkable circumstance from all others, I believe, or at least with one exception, and that circumstance is that the prime actors, as far as I can learn—the conductors and leaders of this disgraceful scene—are, I regret to say, soldiers of the Kerry regiment of Militia, men enlisted for training in this county. According to the documents before me, no less than one hundred of these men conducted and formed part of the procession. Some walked in front and acted as leaders, giving the word of command to their followers. Some formed in military array on the flank of the procession, in order to protect it from interference on the part of the authorities, and when one constable—the high constable, I believe—remonstrated with the persons active in that disgraceful proceeding, he was set upon and beaten by some of the soldiers of that regiment; they using for the purpose of wreaking their vengeance on him the accoutrements provided for them by the Government. The soldiers of Her Majesty's Army—our preservers, of whom we have read so much, who are enrolled as a body, not merely for the protection of foreign invasion, which I trust will never occur, but also for the preservation of the public peace—whose duty it would be, if necessary, by their arms and discipline, to preserve the public peace—they are in that disturbance the organizers, the ringleaders, consorting in that disgraceful insult to one of Her Majesty's Judges, and when interference is attempted on behalf of Her Majesty's officers they are set upon by militiamen and wounded by the very instruments provided by the Government. This is a matter well worthy of the consideration of the military authorities, and I direct it to the strict attention of Her Majesty's Secretary of State for War;"

and, whether any steps have been taken by the military authorities to punish those militiamen who took part in the procession and riot alluded to?

MR. CARDWELL: I have received a report from the General Officer commanding in Ireland. Five men of the Kerry Militia have been tried for their participation in these proceedings, two of whom have been convicted and punished and three acquitted. Lord Ventry, the officer commanding, appears to have acted with judgment when the disturbance arose; but having no warning that any disturbance was likely, he had not taken the precautionary measures which he would otherwise have taken. Lord Sandhurst proposes to issue general instructions for the guidance of Militia officers who may be placed in circumstances requiring the like vigilance.

ROYAL PARKS AND GARDENS BILL— THE REGULATIONS.—QUESTION.

MR. EUSTACE SMITH asked the Chief Commissioner of Works, When the Rules for the Management of the Parks, under the Act of this Session, will be laid upon the Table of the House?

MR. AYRTON, in reply, said, that the Parks Act which was passed the other day had made the management of the Parks somewhat more complicated than it was before; but it had, nevertheless, conduced on the whole to the better administration of these Parks. The Parks were really under four different conditions at present. The first condition related to certain regulations absolutely positive by law, which were to be enforced after to-morrow by summary proceedings and penalties before a police magistrate. The second condition was this—certain rules might be made of a technical and precise nature, which had the character of penal legislation, because they also would be summarily enforced by fine before the police magistrate. The third condition was explained in Clause 11 of the Act thus—

"All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any powers conferred by any other Act of Parliament, and any such powers may be exercised as if this Act had not been passed."

Under that clause the Commissioners, as he before explained, had the same authority over the Parks as gentlemen had over their own parks. The fourth condition was explained in the 12th clause of the Act—

"Nothing in this Act contained shall be deemed to prejudice or affect any prerogative or right of Her Majesty, or any power, right, or duty of the Commissioners, or any powers or duties of any officers, clerks, or servants, appointed by Her Majesty or by the Commissioners."

Under that clause, which was only a short statement of a more important reservation contained in a general Act for the administration of the Parks, there were various powers and rights. That constituted the fourth condition. What they had to do immediately was to consider the technical rules under the second condition, and in doing so some interesting and important questions had arisen. These questions the Government wished to examine and decide, so that the whole subject might be duly disposed of before the penal laws were put in force. It was, therefore, thought better that they should now merely pass one short rule, which would be the only rule at present—namely, that the public shall continue to enjoy the Parks as they had hithertofore enjoyed them. Until the detailed rules were settled no change would be made. There was a clause in the Act directing that the Rules should be laid on the Table, and it would be competent for any hon. Member within one month thereafter to move that they be cancelled. If the Rules were now laid on the Table, as the House was not likely to sit for a month, the right of hon. Members in respect of the Rules would be virtually defeated. The Rules would be distributed to Members as soon as printed, whether the House was sitting or not; but they would not formally be laid on the Table till the beginning of next Session, from which time the month during which the House would have jurisdiction over the Rules would commence to run.

MR. EUSTACE SMITH said, he should take the earliest opportunity after the Rules were laid on the Table of calling the attention of the House to them.

Mr. Alderman W. LAWRENCE thought the most convenient course for the right hon. Gentleman to adopt would be to bring in a short Bill repealing the recent Act altogether.

EDUCATION—CHILDREN PASSED IN EXTRA SUBJECTS.—QUESTION.

Mr. MUNDELLA asked the Vice President of the Committee of Council, What amount has become payable to the schools which, during the last year, have passed 20,000 children in extra subjects, over and above the sum which they would otherwise have received?

Mr. W. E. FORSTER, in reply, said, the amount was £2,410 13*s.* 9*d.* The deduction to be made at 15*s.* per head was £785, leaving as the actual sum for extras £1,625.

THE BALLOT BILL.—QUESTIONS.

Mr. COLLINS asked the Secretary of State for the Home Department, Whether, having regard to the provisions of the Act 22 Vic. c. 35, he maintains the interpretation of the statute he gave last Friday in answer to a Question, that in Municipal Elections the day of nomination and not the day of polling is the day of election, and if not, if the Government is prepared to take any steps with reference to the polling held at Gloucester, by open voting last Friday, for the election of a town councillor, contrary to the enactments of the recent Act of this Session? He also wished to know, Whether the right hon. Gentleman has heard that on Monday last, at the election of a town councillor for Boston, a ballot box was exhibited at the foot of the stair leading to the committee-room; that the electors were entrapped as they came to the poll—they were asked how they meant to vote, and had their papers filled up for them, the Returning Officer keeping a list of how each had voted? He wished to know, Whether, under these circumstances, the Government will forthwith send Copies of the Ballot Act to the Mayors of Corporate Towns to enable them to take such steps as will prevent such proceedings at elections being quashed?

Mr. BRUCE, in reply, said, the Question put to him the other day was asked at three minutes' notice, and if he had made a mistake it would have been no great matter of surprise; but he entirely adhered to the accuracy of the answer he then gave. The Act applied to every election holden after the passing of the Act. The question was, what was meant by the holding of an election? The expression applied to all the proceedings, and not merely to the poll. He, therefore, adhered to his former answer. He had heard nothing of the proceedings at Boston on Monday last; he should not have thought that a constituency which sent to that House so rigid a supporter of constitutional forms as the hon. and learned Member could have been guilty of the irregularity described. His right hon. Friend the Vice President of the Council would state the steps which had been taken in order to inform the mayors of boroughs and other authorities what they were required to do under the Act.

BREACH OF PRIVILEGE—FICTITIOUS PETITIONS.—QUESTION.

Sir WILFRID LAWSON asked the hon. Member for Walsall, What steps he proposes to take with reference to the Petition presented to the House on the 11th July from Manchester, against shortening the hours for the sale of drink?

Mr. C. FORSTER, in reply, said, the subject had been anxiously considered by the Committee which sat upon Petitions. Many of the signatures were found to be in the same handwriting, and the Committee had directed him to move, on Monday next, that the Order for laying the Petition on the Table should be discharged and the Petition rejected. At the same time, if the parties desired to offer rebutting evidence with a view of getting the Petition restored, he should be glad to offer every facility for that course. The question would come on at the close of the Private Business.

THE NEW PUBLIC OFFICES—KING STREET, WESTMINSTER.

QUESTION.

Mr. W. H. SMITH asked the Chief Commissioner of Works, If any payment has been made by the Government for the roadway of King Street, Westminster, which has been appropriated as a portion of the site of the new public offices; and, whether any compensation of any kind has been given to the metropolis for the closing of this public thoroughfare?

MR. AYRTON, in reply, said, that the Act of 1866, under which the roadway had been closed, provided that any parties thereby deprived of rights or property could claim damages, to be determined in the way prescribed by the Lands Clauses Consolidation Act. He was not aware that any claim had been made, and he presumed nobody had thought he possessed any title to damages; but if the metropolis had any right it could be put forward.

OFFICE OF CHANCELLOR OF THE DUCHY OF LANCASTER.

QUESTION.

MR. ASSHETON CROSS asked the First Lord of the Treasury, What are the intentions of the Government with regard to the office of Chancellor of the Duchy of Lancaster?

MR. GLADSTONE, in reply, said, it was intended to appoint a successor to the Earl of Dufferin in the usual manner, and he hoped the arrangement would be announced before many days.

THE CAPE COLONY—RESPONSIBLE GOVERNMENT.—QUESTION.

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, Whether his attention has been called to the circumstance that a Bill for giving responsible Government to the Cape Colony was passed by the casting vote of the chairman of the Committee of the Legislative Council; if he can inform the House, whether Sir Henry Barkly will dissolve the Cape Parliament, in order to ascertain the feeling of the Colony on the question; and, whether it is the intention of the Home Government to advise Her Majesty to withhold Her Royal Assent pending such dissolution?

MR. KNATCHBULL-HUGESSEN: I should be very unfit for the position which I hold if my attention had not been called to a most important event which has occurred in one of our most important Colonies. The Bill for conferring responsible government upon the Cape was last year negatived in the Legislative Council by a majority of 1. This year it has been carried by a similar majority, the fact being that in the interval two Members who had opposed the Bill last year consulted their constituents, and, finding a preponderating feeling in favour of responsible government, supported the Bill this year. In the Lower House the Bill was last year passed by a considerable majority, which has been increased in the present year. Her Majesty's Government see no reason for advising a dissolution of Parliament, or for taking any other course than recommending the sanction of the Crown to be given to a measure properly and constitutionally passed.

ARMY—GUN COTTON.—QUESTION.

MR. CORRANCE asked the Secretary of State for War, When the Report of the Experiments made at Shoeburyness upon Gun Cotton will be presented to the House?

SIR HENRY STORKS said: The Gun Cotton Committee made a preliminary Report on the 13th of December, 1871, and are about to submit a second Report on the subject of the storage and transport of gun-cotton. No experiments have been made at Shoeburyness with gun-cotton; but the Committee made some in April near Hastings, the result of which will be given in their second Report now about to be presented. There will be no objection to the production of either Report if moved for by my hon. Friend.

INCOME TAX COLLECTION.

QUESTION.

MR. SCLATER-BOOTH asked Mr. Chancellor of the Exchequer, now that the Income Tax Collection (Public Departments) Bill has been withdrawn, What steps, if any, he proposes to take, in order to give effect to the recommendations of the Committee of Public Accounts of the year 1871, having reference to that subject?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Government found it necessary to introduce a Bill empowering the taking away the collection of income tax from certain persons who were remunerated under existing Acts. That Bill, however, encountered objection, which at this period of the Session was equivalent to rejection, and it had consequently been withdrawn. The Government would consider the matter during the Recess, in the hope of bringing in a measure under better auspices next Session.

THE CATTLE PLAGUE—IMPORTATION FROM RUSSIA.—QUESTION.

MR. DENT asked the Vice President of the Committee of Council, Whether it is true that a case of cattle plague has occurred in a cargo of Russian cattle imported into Newcastle from Hamburg; and, whether he has taken any steps to prevent the importation of Russian cattle into this country through German ports, in addition to forbidding the direct import from Russia?

MR. W. E. FORSTER was sorry to say that, in addition to the case of cattle plague in a steamer from Russia to Deptford, the Hamburg steamer arrived at Newcastle on Monday with 78 head of cattle, 70 of German and eight of Russian breeds. In a few hours afterwards one of the latter was taken very ill, and soon died, as was believed, from the cattle plague. The captain acknowledged having thrown overboard on the passage an animal which had died six hours after leaving port. The same evening or the next morning he learnt that a cargo had come direct from Cronstradt to Leith with the cattle plague on board. He had reason to fear that this was also the case with a cargo arriving at Hull from Cronstradt a day or two ago. In every case the utmost precautions had been taken, and Professor Simonds, who had kindly offered his services, was going down that night to examine those ports and see that everything was done to prevent the introduction of the disease. The importation of cattle direct from Russia had been prohibited; but the cargoes now arriving at Leith left before that Order of Council was published. The Privy Council, however, had known of their arrival, and had been ready to watch them when they arrived. To prohibit the importation of all German cattle in consequence of the Hamburg case would be a serious step, only justifiable by absolute necessity; but he had unofficially communicated with the North German Embassy, which had telegraphed to Germany to inquire into the matter, and he trusted that effectual steps would be taken in that country to prevent any Russian cattle coming to us from Hamburg. He trusted that would be sufficient; but if it were not, it would have to be considered whether we ought not to prohibit the import of German cattle. It would be absolutely necessary to compel the slaughter of all German cattle at the port of landing unless we obtained official proof that they did not come from Russia. If the Order referred to had not been in force, he did not see what could possibly have prevented the cattle plague from now been spread over the North of England in consequence of the cargo which went into Newcastle.

COLONEL WILSON-PATTEN asked the right hon. Gentleman whether he had received information that the cattle plague had broken out in any of the countries on the Mediterranean?

MR. W. E. FORSTER said, they had no information; but those ports were included in the schedule, and cattle coming from them would be slaughtered at the port of landing. They had information that the cattle plague was very bad on the Polish frontier.

MR. DENT asked whether the cattle slaughtered at Hull and Newcastle were landed or kept on shipboard?

MR. W. E. FORSTER said, the proceedings were rather different in each case. At Leith and Hull he believed the cattle were slaughtered on board, while at Newcastle they were landed, great care being taken with regard to their slaughter. Of course, it was not a very safe thing to send them to sea and then throw them overboard.

ELEMENTARY EDUCATION ACT. SCHOOL BOARD DISTRICTS.—QUESTION.

MR. WHEELHOUSE asked the Vice President of the Council, Whether where a village is partly within and partly beyond the boundary of a borough, such borough being a school board district in itself, such board is at liberty to use any portion of the rates for the purpose of paying for or supplementing the expense of the education of outside children; and, if so, whether there be any power of recovering any deficiency so caused from the parish, township, or school board of the district, if there be one, to which the child belongs, or in which it is resident?

MR. W. E. FORSTER, in reply, said, these Questions related to the proper interpretation of certain clauses of the Act of Parliament to which he must refer the hon. Member. An administrative Minister would be going beyond his province if he was to attempt to put an interpretation on those clauses, which interpretation would of course be of no avail in a Court of Law.

IRELAND—PROCLAMATION OF THE COUNTY OF ARMAGH.—QUESTION.

Mr. WINGFIELD VERNER asked the Chief Secretary for Ireland, Whether the Irish Government will give favourable consideration to the desire recently expressed in a Petition to the House by a very large number of the inhabitants of the county of Armagh, that the Proclamation of that county should be withdrawn?

The Marquess of HARTINGTON, in reply, said, that not having seen the Question till the morning, he had had no opportunity of seeing the Petition to which his hon. Friend referred; but he would take care to do so without delay, and the prayer to it would, of course, receive his most careful consideration. He might remind the hon. Member, however, that in reply to a Question put some time ago by the hon. Member for Dundalk (Mr. Callan) he stated that although Her Majesty's Government was happy to acknowledge the state of many counties in Ireland to be perfectly satisfactory, or very nearly so, as regarded the absence of agrarian crime, yet in the opinion of the Government reasons existed for not taking the proclamations altogether off those counties. He might also add that instructions had been given to the licensing officers under the Peace Preservation Acts to allow licenses to be granted in such counties as far as possible, except for rifles, pistols, and other fire-arms of a military character.

GALWAY ELECTION PETITION. SUSPENSION OF THE REV. PATRICK WALSH.—QUESTION.

Mr. VANCE asked Mr. Attorney General for Ireland, Whether he has obtained any further information respecting the suspension of the Reverend Patrick Walsh, who gave evidence in the Galway Election Inquiry from sacerdotal duties by the Roman Catholic Archbishop of Tuam on Sunday the 30th of June, the letter which was read to the House contradicting the statement having been dated on the 25th of June?

The ATTORNEY GENERAL for IRELAND (Mr. Dowse), in reply, said, the letter he had read to the House bore the date mentioned in the Question. It certainly referred to the subject-matter of the Question, upon which he gave the hon. Gentleman all the information in his power; but he was not aware of the date of the letter or of the alleged suspension as far as they had reference to each other. He had since made fresh inquiries; but was sorry to say he had not obtained much information on the subject. He had caused a telegram to be sent to Ireland that day, and the reply to it was as follows:—

> "We have no means of knowing whether Mr. Walsh has been suspended, and we have received no report on the subject."

ROME—DIPLOMATIC RELATIONS WITH THE VATICAN.—QUESTION.

Mr. MONK asked the Under Secretary of State for Foreign Affairs, In what part of the Estimates the difference between Mr. Clarke Jervoise's salary of £530 as Clerk in the Foreign Office, and his salary of £800 as temporary Secretary of Legation at the Vatican, together with his allowance of £200 a-year for house rent, is to be found?

Viscount ENFIELD: The salary of Mr. Clarke Jervoise, as a clerk in the Foreign Office, amounting to £530, has been voted under sub-head A of the Vote for the Foreign Office; the additional allowance of £270 has been also voted under sub-head D for incidental expenses in the same Vote for the Foreign Office, and the allowance for house-rent, amounting to £200, will be taken out of the Vote for Diplomatic Services under the sub-head P for Special Missions and Services, Mr. Jervoise's appointment at Rome being considered of a special or temporary character.

Mr. MONK, in consequence of the answer of the noble Viscount, gave Notice that on going into Committee of Supply he should call the attention of the House to the omission from the Estimates of a Vote for the expenses of the Diplomatic Mission to the Vatican, and to the withdrawal of the same from Parliamentary control, and would move that, in the opinion of the House, all diplomatic salaries should be submitted to Parliament in the ordinary Estimates of the year.

NATIONAL SCHOOLS (IRELAND.)

QUESTION.

Mr. O'REILLY asked the Chief Secretary for Ireland, If he would inform the House how often an Inspector of National Schools in Ireland is bound to examine the book of religious instruction certificates in order to satisfy himself as to its genuineness; whether he ascertains the genuineness of the signature of the parent or guardian in each case by personal communication with the parent or guardian; and, if not, how; and, whether it is not the fact that improperly signed certificates were at least in one instance discovered by the Royal Commissioners on Primary Education in Ireland, which certificates had not been cancelled or reported by the Inspector?

The Marquess of HARTINGTON, in reply, said, the Inspector was entitled to examine the book of religious instruction certificates as often as he inspected the schools. The Inspector ascertained the genuineness of the signature of the parent or guardian in each case by an examination of the teachers and of the children; but when he deemed it necessary, or entertained any doubt on the matter, he personally communicated with the parent or guardian, though there was no rule of the Board requiring him to do so. Some of the Royal Commissioners ascertained that improperly signed certificates were in existence; but one of the Commissioners informed him he did not recollect that fact being mentioned in their Report. It was by no means unusual for an Inspector, in his examination of the books, to gather that certificates had been improperly signed, and such certificates were immediately cancelled by the Board.

GALWAY ELECTION PETITION—"THE FREEMAN'S JOURNAL."—QUESTION.

Colonel STUART KNOX asked Mr. Attorney General for Ireland, Whether his attention has been called to the following paragraphs which appeared in *The Freeman's Journal* of Wednesday, July 24:—

> "Unhappy Ireland! Ill-fated people! The serpent whom the nation warmed into vitality and power, 'the people's William,' is the first among the foremost to curl his viper tail and strike his envenomed fang into the national heart, not only prosecuting the bishops and priests for being true to their people, but seeking, by a deep-laid plot, to stifle their defence."

Also—

> "These '23' William Ewart Gladstone seeks to send to a felon's cell as he once before sent Ireland's Liberator, where he broke the heart he could not bend. How strange are the events which revolving years bring before our eyes! Mr. Gladstone prosecuted the Liberator of the altars of Ireland, and now he prosecutes the bishops and priests who minister at these altars."

He wished to know, Whether his right hon. and learned Friend was prepared to take any steps to vindicate the character of the Prime Minister from the libellous reflections therein cast upon him?

The ATTORNEY GENERAL for IRELAND (Mr. Dowse): In answer to the Question of my hon. and gallant Friend, I have to say that if that is all that can be said against the character of the Prime Minister the character of the Prime Minister may be left to take care of itself. It is not my intention to institute any prosecution in consequence of the publication of that article, and I am very much surprised that my hon. and gallant Friend, who, as an Irishman himself, should have known that such things are customary in his country, should have thought it necessary to put such a Question. Whenever my hon. and gallant Friend shall become a Member of an Administration—as I hope he may do, first for his own sake, and next for that of his country—he must be a little more pachydermatous than he appears to be at present.

THE LAW EXPENSES OF EX-GOVERNOR EYRE.—PERSONAL EXPLANATION.

Mr. BOWRING said, that he begged to call Mr. Speaker's attention for one moment to a question of Privilege, which affected himself personally. The hon. and gallant Member for Oxfordshire (Colonel North)—whom he had requested to attend in his place that afternoon—had, in continuation of a violent and entirely unprovoked personal attack upon him (Mr. Bowring), which the House strongly resented at the time, on the occasion of the recent debate respecting the payment of the legal expenses of ex-Governor Eyre, felt it becoming, without giving any previous notice whatever to him—of the fairness of which he would leave the House to judge—to place upon the Paper a Notice of a Question to be addressed by him on Monday next to the Chancellor of the Exchequer, which was equally un-Parliamentary in its wording, and, to those who understood its drift, improper in its insinuations. As he (Mr. Bowring) considered this Question—whatever gloss or interpretation the hon. and gallant Member might hereafter place upon it—to be distinctly intended by him to contain an imputation upon his personal honour and veracity, he (Mr. Bowring) had risen for the purpose of saying that he positively objected to the Question being under any circumstances withdrawn from the Notice of the House; and if the hon. and gallant Member were not present to ask the Question himself on Monday next, he (Mr. Bowring) should invite some hon. Gentleman to ask it in his place.

GALWAY ELECTION PETITION—JUDGMENT OF MR. JUSTICE KEOGH.

QUESTION.

SIR COLMAN O'LOGHLEN asked the First Lord of the Treasury, Whether in the event of the debate which was about to commence on the Motion of the hon. and learned Member for Limerick (Mr. Butt) becoming an adjourned debate—as he had no doubt it would, from the number of Gentlemen who were about to speak—he would have any objection to name a day for the resumption of the debate? It was necessary to ask this Question, for all the days at present were in the possession of Her Majesty's Government.

MR. GLADSTONE: I think the question of my right hon. and learned Friend invites me to deviate from Parliamentary usage in a manner that would not be convenient. It is not, I think, the usage of this House that the question to what day a particular debate should be adjourned shall be decided before the debate has begun, or the House has shown any inclination that the debate should be adjourned at all. My right hon. and learned Friend has given an opinion that the debate will require to be adjourned. He may have reasons, no doubt, for that opinion; but I confess I think, from the nature of the Question, that it will be obviously desirable that the debate, if possible, should be brought to a close to-night. Most certainly it is not for us to presume to exercise pressure against the general feeling of the House. But if the general feeling of the House should require the adjournment of the debate, I should still feel it my duty to urge that the debate should not be resumed until we have disposed of the measures which it is urgently necessary for us to settle, before arrangements can be made with a view to the Prorogation of Parliament.

LAW OFFICERS' EXPENSES BILL—THE ATTORNEY AND SOLICITOR GENERAL.

QUESTION.

MR. FAWCETT asked Mr. Chancellor of the Exchequer a Question of which he had privately given him Notice, Whether under the Law Officers' Expenses Bill, fixed for third reading that evening, it may not happen that the fees hitherto paid to the Attorney and Solicitor General would be paid, at least as to the greater portion of them, to the Attorney General; and whether, in such an event, the country would not lose the whole, or nearly the whole, of the salary voted to the Solicitor General?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the House was aware that, under existing arrangements, the Attorney General received the fees hitherto paid to Law Officers; but that the Solicitor General received a salary instead of the fees, for non-contentious business. That was the state of the case at present. The hon. Member now asked him whether the Bill before Parliament contained any security that the fees hitherto paid to the Solicitor General, but which now were to be paid into the Consolidated Fund, would not be taken from the Consolidated Fund and paid over to the Attorney General, in addition to his salary. He could only express his astonishment at such a Question being asked. The Question, if it meant anything, meant that Parliament ought to have gone further and legislated, by express provisions against a conspiracy between the Treasury and the Solicitor General, to defraud the public of fees directed to be paid over to the Consolidated Fund. He confessed that if they were capable of entering into such a conspiracy, he should despair of any words in an Act of Parliament prevented their doing so; but if they were not capable of such a proceeding of the kind the provisions of the Bill were sufficient for the purpose.

MR. FAWCETT said, the right hon. Gentleman had misapprehended his words, and he begged to give Notice that on the Motion for the third reading he should move that the Bill be recommitted for the purpose of bringing up a clause upon the point.

GALWAY ELECTION PETITION. JUDGMENT OF MR. JUSTICE KEOGH.

RESOLUTION.

MR. BUTT rose to move—

"That this House do resolve itself into a Committee of the whole House, to consider the Report of the Address delivered by Mr. Justice Keogh on the occasion of delivering Judgment on the Trial of the Election Petition for the County of Galway, and the complaints that have been made of the partisan and political character of that Judgment and Address."

The hon. and learned Member said, he need not assure the House of the gravity and responsibility which attached to this Motion. It was an appeal to the highest jurisdiction of that House, which ought not to be exercised except upon the clearest and plainest grounds, and therefore an appeal which ought not to be lightly made. He was so satisfied of the propriety of the course he was now taking that the Motion he had read was the first step in a series of Motions that would end with a proposal of a very grave character. He thought it would be admitted, even by the warmest Friend of the learned Judge whose conduct he was bound to impeach, that it was better, in the interest of justice, that the discussion should be held in the region of full, fair, and free discussion which that House presented, instead of being conducted amid the excited scenes and violent language of public meetings. He had seen it stated by a person occupying a high place that if the decision of a Judge was right in point of law, and justified in point of fact, persons ought not lightly to cavil at the language in which it was couched. He agreed with this to a very great extent; but everyone must admit that even in the language of Judges there might be such an excess and such an abuse as to destroy confidence in the impartiality of the Judges, and so check the belief the people in the administration of justice. The question was one of degree. He admitted that language was not to be lightly taken exception to; but there were cases on record in which the Legislature had been compelled to take serious notice of outrageous language used by Judges on the English Bench. The decision of the Judge was threefold. In the first place, there was the decision that Captain Nolan had not been duly elected; secondly, there was the decision which reserved a case for the Court of Common Pleas; and, thirdly, there was the decision which was likely to result in the trial as criminals of a considerable number of persons who had been mixed up in the election proceedings which resulted in the Petition. He did not quarrel with the first decision, although he disagreed with the grounds upon which it was based. He quarrelled distinctly with the second, because he believed that the decision which gave the seat for the county of Galway to a candidate who only polled 658 votes struck a blow at the electoral privileges of a vast number of people. With the third branch of the decision he also disagreed *in toto;* because, as they had heard, Mr. Justice Keogh reported for criminal prosecution persons against whom the Law Officers of England and Ireland combined had been unable to find a particle of evidence to justify a prosecution. In order to correct the distorted representations of the learned Judge, it would be necessary briefly to narrate the proceedings which led up to the Petition upon which Mr. Justice Keogh pronounced Judgment. In 1870 Viscount Burke, the sitting Member for the county, resigned his seat, for which Mr. Mitchell Henry and Captain J. P. Nolan became candidates. Captain Nolan was arraigned by a Roman Catholic clergyman in reference to certain alleged cruel evictions among his tenants, and the result was that Captain Nolan retired from the contest, Mr. Mitchell Henry obtaining the seat, which he still retained. On retiring, Captain Nolan was fortunate enough to obtain from the Roman Catholic Archbishop of Tuam a promise of support at a future election on condition of his not then disturbing the peace of the county. [*Ironical cheers.*] He could not understand these expressions of opinion, because he failed to see that a Roman Catholic Archbishop was in any way debarred from promising his support to a Parliamentary candidate. He, however, would be the last man in that House to bring forward a Motion the object of which was to defend the right of any person to dictate to free electors as to whom they should or should not choose as their representative. If the Motion had been one to resent—as he believed they might be justly resented—the insults which the Judgment placed upon the clergy of the Catholic Church, he would have left the Motion in the hands of some hon. Member who was not a member of that Church. He based his Motion upon far higher grounds than either of those he had stated. His reason for asking the opinion of Parliament upon this question was founded in his belief that the Judgment of Mr. Justice Keogh had lowered the dignity of the Bench, and shaken the confidence of the people in the administration of justice. Before the Roman Catholic Archbishop gave the pledge he had mentioned, something very remarkable occurred. Captain Nolan offered to meet the charges brought against him in connection with the evictions by leaving the matter to three arbitrators, one of them being a distinguished Gentleman who sat in that House (Sir John Gray), and abiding by their decision, even though, putting out of the question the matter of strictly legal right, they ruled that he was morally wrong in his conduct, and therefore bound, in their opinion, to make compensation to the evicted tenants. So matters went on until another vacancy arose by the appointment of Mr. Gregory to a Colonial Governship. Captain Nolan thereupon re-commenced his canvass, as did also Captain Trench. Captain Nolan wrote to Sir Thomas Burke, who refused his support because he was opposed to Home Rule—of which Captain Nolan was a supporter—and believed it to mean, in a different shape, the repeal of the Union. At this time Captain Trench canvassed the Roman Catholic Archbishop of Tuam, who informed him that he had already promised his support to Captain Nolan, adding words to the effect that it was unnecessary to consider how far any member of the Clancarty family had any claim to represent the county of Galway. His acquaintance with the late Lord Clancarty was limited; but he knew enough of him to know he was an amiable, estimable, and high-minded man, and an excellent resident landlord. But Lord Clancarty had very strong and peculiar views upon religious matters. It appeared in evidence that he at one time, acting on most honest conviction, refused ground on his estate for a Roman Catholic place of worship, and had resisted the admission of nuns to the workhouse schools, and he was generally believed to have used his power as a landlord to induce children to attend Protestant schools. This was not calculated to increase his influence with the Roman Catholic people, and if the impression prevailed that his son followed in his steps it was not surprising that he failed to secure the votes of a great Roman Catholic constituency. However, in July an active canvass commenced. Captain Nolan addressed letters to all his friends, and went through the county canvassing. On the 21st of July the Bishop gave the first intimation of his opinion; but unquestionably the Roman Catholic clergy was divided at this time, a fact of which a great deal had been made in the Judgment. On the 27th of September, 1870, the Roman Catholic clergy of the Deanery of Tuam met and adopted resolutions in favour of Captain Nolan. By this time, it should be mentioned, the arbitrators who were appointed had given their award, which was that Captain Nolan should, if still in a position to do so, restore to certain of his evicted tenants the tenements they had formerly occupied, or, if not, that he should make them ample restitution. Whether that was wise and prudent he was not going now to discuss; but the effect of it unquestionably was that it was regarded by many as establishing a principle which was dangerous, which would excite hopes in the people that never could be realised, set class against class in the county of Galway, and create a great deal of opposition to Captain Nolan on the part of the landlord class, entirely on the ground of his assenting to it. But tenants took a different view, and there was thus a division of opinion on the subject. It was then, on the 21st of September, 1871, that the Roman Catholic clergy came forward as supporters of Nolan, and their first meeting was held in the Roman Catholic Deanery of Tuam, the Archbishop in the chair. Resolutions were come to approving the award, approving Captain Nolan's candidature, approving his resolution to restore to his tenantry their farms, saying, "this was the true tenant-right," and demanding—what none in the House would take exception to—that the tenants should be free from coercion. In those resolutions there was not one illegal word, but simply a declaration of the Catholic clergy, or a particular portion of them, that they would support Captain Nolan. There was a conference of clergy at another place, at which, after the ordinary business for which they had met had been disposed of, they were asked by the Bishop of Galway, who presided, to express their opinions freely on the subject of the election, and while a large number of them were in favour of Mr. D'Arcy, the majority decided that they would support Captain Nolan. He (Mr. Butt) did not see how any fault could be taken with the proceedings in that case either. On the 16th of December a general meeting of the clergy of the county took place, and a determination was come to to support Captain Nolan. Before this a meeting of the gentry was held, at which the Marquess of Clanricarde was present, with several other Peers of Parliament, and Sir Thomas Burke. From this meeting proceeded the cry of "No priests!" and a circular was issued saying the gentry would elect the candidate without the interference of the priests, and expressing a hope that no tenant would vote for the priests' candidate. Another meeting was held on December 13, by which time class was set against class, the priests regarding this as a defiance thrown down to them, and the affair assumed the complexion of a contest between the landlords and the priests. The Roman Catholic priests, no doubt, made this a religious question, and they worked on the religious feelings of the people, and in some instances—though he believed they were not so numerous as had been stated—language was made use of which ought not to have been used. His complaint—and he would say it boldly—his bitterest complaint against the language of this Judgment, was, that its intemperance, its violence, its injustice to innocent men, had had the effect of shielding the guilty, who were denunciated with the innocent, from condemnation, on the part of Irish public opinion, that would have overtaken them if they had not been made martyrs. But those instances had, by common report, been greatly exaggerated. In the diocese there were probably 80 to 100 Roman Catholic priests. The conduct of about 50, or perhaps more, had been investigated, and the Judge was only able to select 20, whom he considered had used language capable of being construed as intimidation or undue influence. The election came off, Captain Nolan polled nearly 2,000 votes; Captain Trench polled only 658. The return was petitioned against, and the Judge appeared in Galway to try the case. What was the duty of a Judge under such circumstances? Was it not to avoid any expression which might seem to place him in the position of a partizan while leaving him open to declare his moral reprobation of whatever might have seemed opposed to law and justice? The Act of Parliament had defined undue influence by a hard-and-fast-line. It must be intimidation. It was not undue influence in the sense in which some of them had heard of it elsewhere. It was not undue influence in the sense in which a parent obtained from his child a gift when he came of age by the operation of affection. It was not undue influence such as an attorney exercised over his client when he got a bounty. It was the attempt to coerce by intimidation to give his vote. What ought the Judge to have done in this case? He ought to have taken up, case by case, every alleged instance of intimidation, and he ought to have determined whether that case came within the legal definition of undue influence. If he did that, he ought to have said—Was the person who used this influence the agent of the sitting Member; and if he found he was, then that the sitting Member ought to be visited with the consequences of the act of his agent. Now, he (Mr. Butt) believed that Captain Nolan made the Roman Catholic priests his agents, and he believed some of these Roman Catholic priests did acts amounting to intimidation, and, therefore, undue influence, and for these Captain Nolan was responsible. He hoped the House would bear with him, and he would endeavour to state, in language as clear and temperate and distinct as he could, the complaint he had to make of the Judge. It was that, instead of taking up case by case, instead of a calm and judicial decision on acts which constituted intimidation, in this Judgment, from beginning to end, the Judge made himself avowedly and openly the partizan of the landlord class; he allowed his partizanship to carry him to pervert facts—they must bear with him if he spoke strongly, but he would endeavour to prove what he had said. The Judge arrived at conclusions for which no particle of evidence existed, and he branded men of high station in the Roman Catholic Church, and men of unimpeached honour, with crime without one particle of evidence to warrant or justify him. And this he did with a fulsome adulation of every human being connected with the landlord class, in language which he would not describe, but in language which was not very judicial, and was applied to every human being on the other side. He approached this case under very peculiar circumstances. The Attorney General for Ireland had stated it to be his intention to prosecute 23 out of 36 persons whom the Judge had reported guilty of undue influence, and this he did under the section of an Act of Parliament which directed the evidence to be laid before the Attorney General, who was to determine whether it was sufficient to sustain a prosecution. He had ventured to express a doubt whether the statute in question extended to this case. But that was perfectly immaterial. The Attorney General for Ireland had a perfect right to prosecute. So long ago as the days of Queen Anne it was settled that this House would not address the Crown to order the Attorney General to prosecute, but would give direct orders itself to the Attorney General to do so. Well, the whole of the evidence was laid before the Attorney General for Ireland, that he might, on his own responsibility, decide whether there was evidence sufficient to justify him in putting the persons inculpated on their trial. He could perfectly understand the difficulty in which the right hon. and learned Gentleman found himself. There was the Report of the Judge—not that there was evidence to "prosecute" these people, but that there was evidence to "convict," and the Attorney General for Ireland had on his own responsibility, uninfluenced by that, to determine whether the evidence was sufficient. And to the Attorney General, placed in that invidious position, he gave credit and honour for what he had done. He could well conceive that he was very willing to shelter himself behind the opinions of others, and so he had consulted the Solicitor General for Ireland, the Attorney General for England, and the Solicitor General for England. And what was the result of the combined opinions of the Attorney General for Ireland, the Solicitor General for Ireland, the Attorney General for England, and the Solicitor General for England? It was this—that in the case of 11 of the persons branded by this Judge—nay, convicted by him of crime—there was not sufficient evidence to warrant them in sending the case for prosecution. He felt a little embarrassed, however, in discussing this Judgment by the decision at which the four Law Officers of the Crown had arrived. He could well understand the unwillingness of the Attorney General to prosecute any case unless it was consistent with his duty to do it. But he believed the Attorney General was prosecuting in cases in which there was not a Gentleman here who would not say that the Judgment which branded the individuals with crime was without foundation. In the face of that prosecution against the 23 individuals he did not want to enter upon the evidence at present; but he was more than compensated for that by the fact that the Law Officers of the Crown, who had inquired into the other 11 cases, did not think there was a case for prosecution. Who were these 11? One was the Archbishop of Tuam, one was the Roman Catholic Bishop of Galway, and there were nine Roman Catholic clergy who were said to have been guilty of undue influence by the Judge. Did the Judge confine himself to the simple duty he had stated? He began his Judgment by saying—

> "I now approach this case. I do not think any adequate idea of it could be formed without taking a rapid glance at the historical, geographical, and moral position of this county."

That was the opening sentence, and it was the key to the whole Judgment. He was deciding whether the landlords or the priests ought to hold the county, and for that purpose it was essential to take a review of the moral, social, political, and geographical position of the county of Galway. It could not be necessary to decide whether Father Loftus, having told a man he would denounce him from the altar, was guilty of undue influence; but it was necessary for the question in the Judge's mind that he should take a review of the moral, social, political, and geographical position of the county of Galway. Then the Judge began his review with the year 1826, when he, a boy, saw a house burning at the election of Dick Martin—a gentleman well known in the House of Commons and in London for his humanity—and went through every case necessary to illustrate his position. Well, that was the key to the whole; it showed what was passing through the Judge's mind, and he never departed from that key. Here was a Judgment of 51 pages, and out of it he ventured to say that no human being could extract six pages of exposition of legal principles or of matter bearing on the subject. He was not going to read it; but he was endeavouring to compress his observations upon a Judgment which had taken nine hours in the delivery and upon evidence which occupied 51 days. As to the cause of Mr. Mitchell Henry's election there could not be a doubt. Mr. Mitchell Henry was undoubtedly returned owing to the influence of a priest named Father Dooley. The Bishop of Galway, when asked whether Mr. Mitchell Henry did not owe his election to the influence of the Archbishop of Tuam, said he was perfectly sure he did not, but to the influence of Father Dooley. The fact was that a very humble and obscure priest, who had got hold of the facts connected with the evictions of Captain Nolan, did keep that gentleman out then, and would have been able to keep him out up to this day if Captain Nolan had not agreed to make what reparation he could, and to refer to arbitration the matters of dispute between his tenants and himself. Well, the Judge dwelt strongly on the fact that Captain Nolan obtained the promise of the Archbishop's support at a future election. Captain Nolan retired in a hurry, and the Judge said—What tremendous influence must have been brought to bear upon him to induce him to retire; and that must have been the influence of the great Prelate of the West. He had mentioned the Archbishop's letter, in which he pledged himself to support Captain Nolan. It was not surprising that Captain Nolan, when he saw that letter, should be anxious to publish it. Accordingly, his brother got 6,000 copies distributed, and the Judge's comment upon this fact was that the distribution of 6,000 copies among a constituency of 4,500 electors, coupled with Captain Nolan's early refusal to speak to any of the county gentry, even Lord Clanricarde, before he had consulted the Archbishop, were conclusive proofs that Captain Nolan had covenanted with the Archbishop that by him alone he was to be returned. Now, the alleged refusal by Captain Nolan to speak to the county gentry was a gross misrepresentation of what had happened. This declaration was made by Captain Nolan in his candidature of 1870. At that time a gentleman in the county recommended Captain Nolan to go to Lord Clanricarde. As a mere piece of election tactic and prudence, Captain Nolan then said—"I would not like to do that until I know what the Archbishop will do." This occurred in a former candidature; yet the Judge fastened upon it as though it had occurred in Captain Nolan's recent candidature, and showed that he had covenanted with the Archbishop. How could any Judge with ordinary habits of judicial caution and judicial prudence make such a blunder, and make it the foundation of the whole ecclesiastical conspiracy? On the 6th of August, Archbishop McHale and many of the clergy met together at a private dinner party at the house of Father M'Ghee. Captain Nolan was also present, for Father M'Ghee had said to him—"Here is a good opportunity for canvassing. Come and dine at my house, and you will see the Archbishop and many of the clergy." Was it right that such an incident should be made one of the links by which the Judge endeavoured to prove that the Roman Catholic priesthood had entered into a conspiracy against free election in Galway? Then came the meetings held in December and January. There was a Father Conway, for whom, for some reason, the Judge had conceived a great dislike. He said this priest had been reported guilty of undue influence by a Committee in the Mayo Election case some years ago; and then, because Father Conway, answering the questions of counsel, had referred to his chapel yard "in high stilted tones" as "my own demesne," the Judge said—

> "Some few acres, I suppose, that some landlord has been wise enough to give him to stop the clapper of his tongue, which must be infinitely more offensive to a rational creature than that dreadful lugubrious whistle which disturbed my rest for six weeks after I came into this town of Galway."

When delivering this specimen of judicial calmness, the Judge mimicked the voice of Father Conway. Was this the language which a barrister in this country would wish to hear from an English Judge? Was this the language which any English gentleman would wish to hear from an English Judge who might next day have to decide upon his liberty and property? And was such a Judge likely to conciliate for the administration of justice the attachment of the Irish people, who were just as sensitive of judicial propriety and just as able to appreciate judicial dignity as any people on earth? That was one of the mildest of these things. He then said—

> "Suppose that instead of going through this weary case I stopped here, is there a jury in the land—I am a jury for the purpose of this case—who could hesitate to say that Captain Nolan had entered into a combination to be carried out by the illegal agencies which his own brother and agent spoke of, to deprive free and independent electors of this county of the franchise which the Constitution has conferred upon them."

Father Conway had since been removed to another world. It was said—he did not know how truly—that he was hurried to his grave by the ferocity of this Judgment. [*Laughter.*] Perhaps some of those Gentlemen who laughed would like to hear that a Judge had said he had stopped the clapper of their tongues, which was more disagreeable than the lugubrious whistle of a railway engine. One of the melancholy features of this case was that the very men against whom the Judge had manifested the strongest antipathy, and spoken most severely, were men who had spoken most severely of his own political career. Father Lavelle was one of the priests against whom the Attorney General for Ireland said there was not one particle of evidence on which to found a prosecution. Well, the Judge said of him—

> "I say the humblest man in the county who would walk beside him after the exhibition he made of himself here, and in the public eye in every place where he comes, makes a greater sacrifice than any squandering of money by Captain Nolan."

Was that judicial language, or should the man who used it ever be esteemed again by the people of Ireland? He said Father Lavelle had been strongly condemned at the time of the Longford election. Such a statement had nothing to do with the question; and it was also a gross misrepresentation. At the Longford election the Roman Catholic Bishop and clergy almost unanimously supported Lord Greville's son, while the popular feeling was in favour of Mr. John Martin. The Roman Catholic clergy carried the election, and there was a Petition. Father Reynolds got the Bishop to issue an inhibition against Father Lavelle; and Judge Fitzgerald said of that inhibition—

> "I most entirely approve of the course taken by Father Reynolds in keeping that 'patriot priest of Partry' out of the county of Longford. If he was doing his duty as a patriot priest, it would not be in Longford, but in attending to the wants of his own parishioners."

Mr. Justice Keogh treated that as a condemnation of Father Lavelle, as if he had been branded by Judge Fitzgerald. In one of his speeches Father Lavelle had commented strongly on Sir Thomas Burke saying the priests were not to interfere, remarking that he had sounded his own "political death-knell." Sir Thomas Burke complained to the Archbishop of Tuam of the use of the words "death-knell," and the explanation was that the words used were "political death-knell." How did Mr. Justice Keogh deal with the incident? He used the following language, which amounted to a charge against Father Lavelle of inciting assassination — a charge for which redress might have been obtained in the Courts as against any man other than a Judge:—

> "This is the Mr. Lavelle of the 'political death-knell.' I adopt his words, for I thought it a great loss of time to be going into it. He is charged with saying 'death-knell.' He says, "Oh, no, it was 'political death-knell.'" I would like to see the Tipperary man with a good blunderbuss in his hand who would draw a nice distinction between a 'death-knell' and a 'political death-knell.' This is the Mr. Lavelle, I say, of 'the political death-knell.' This is the same gentleman who admits that he would set up Peter Barrett for the county. For what is he distinguished? Why is his name introduced? Mark, 'death-knell,' 'political death-knell,' if you like, followed by a statement that, if necessary, he would set up Peter Barrett for the county—that Peter Barrett who is only known to fame as being the son of his worthy and excellent father, of whom we have heard so much in this case, and as having been tried certainly twice; once on a special commission in this county, upon which I had the honour of presiding, in company with my Lord Chief Justice, and subsequently, I believe, at the Bar of the Court of Queen's Bench—for what? For having attempted under the clouds of eventide the cold-blooded assassination of a gentleman of this county. Talk of qualifications for candidates; talk of the 'parrot cry of revolutionists;' talk of religion being lost if the influence of the priest is interfered with; talk of the French Revolution having led to its unmentionable horrors because they neglected the advice of the priests! That is not historically true. The Abbé Gregoire,

the Abbé Sièyes, the Bishop of Autun deny the statement. There were profligate priests, there were profligate curés, there were profligate abbés; ay, and there were profligate Bishops. Who has not heard of Prince Périgord de Talleyrand, who had performed the sacrifice of the Mass in his youth as the consecrated Bishop of Autun? But talk of all those with such a priest as this, still an officiating priest, who goes to the altar, and who, as I say, does not perform, but desecrates the renewal of that *tremendum mysterium* which was consecrated upon Calvary."

Let it be remembered that this was the language of a Judge on the Bench, which he believed no hon. Member would attempt to defend. There were mysteries of religion, Catholic and Protestant, which ought not to be treated lightly, even in Courts of Justice; and in speaking in this way Justice Keogh used language which was inconsistent with his duty as a Judge. Further on, in speaking of the Gort meeting, Mr. Justice Keogh again adverted to Father Lavelle, and he said—

"Here he is conjured up from the diocese of the Archbishop of Tuam into the diocese of the Bishop of Galway, where he had no right to come without his Lordship's permission. What right had he, I say, to pollute the diocese which is presided over by an intellectual, educated, solemn, grave, and religious pastor, without the special leave of the Bishop of Galway? Had he that leave or dispensation?"

What had the Judge to do with the internal regulations of the Church? The Judge quoted the terms of the resolutions passed at the Gort meeting, which spoke of "tyrannical landlords," and declared "that every Catholic is a recreant and a renegade who would support Captain Trench;" and a little further on, speaking of the Mount Bellew meeting, he said—

"A new word is introduced into the resolutions —'recreant and *renegado*,' not 'renegade.' I rubbed my eyes to see whether I was right, and it is so. I assisted my eyes with a glass, and the resolution is this—'That we deem every Catholic a recreant and a *renegado* who would support Captain Trench, the son of a most notorious enemy of the Catholic religion, Lord Clancarty, and the nominee of the bigots and anti-Catholics of the county.' What is the meaning of the word *renegado?* Every scholar knows it. Take that beauteous poem, from the reading of which no one has ever risen without feeling the highest admiration of the exalted genius of the greatest modern poet of England—Lord Byron. I refer to the *Siege of Corinth*. When he who had betrayed his faith, and who had led the Islamite to storm the fortress of Corinth because of blighted love, meets in the last encounter the father of her whom he wanted to be his bride, he says—

"'Yield thee, Mainotti; mercy take,
For thy own—thy daughter's sake.'

Mr. Butt

What is the reply?—

"'Never, *renegado*, never!
Tho' the life of thy gift should last for ever.'

"Those are the words that are bandied about without caring for their meaning, and the result would be to leave every poor creature who dared to exercise his franchise in this county perfectly without help, physical or moral, to stand up against the weight of oppression that would be brought to bear upon him."

Byron also used the English word—

"Against the country he betrayed
He stood alone—a renegade."

Mr. Justice Keogh condemned priests who said they were "alive and kicking." He said—

"At Ballinasloe the Rev. Mr. Kemmy said he would show that they were alive and kicking. All this I am asked to pass over as being mere byplay. I recollect a very well-known man—a distinguished man in Ireland—when his death appeared in a newspaper one morning (he did not like to be dead), wrote thus to the paper—'If your correspondent will call upon me at such a place and at such an hour, he will find me not only alive, but kicking.'"

If this were anywhere else but in a Judgment it would be ludicrous; and this language was uttered among a people quite as capable of judging of judicial dignity and decorum as any people on earth. Commenting on the speech of Father Connor, at the Portumna meeting, the Judge said—

"He seconds this resolution—'That we regard as a recreant and a renegade any Catholic tenant who allows himself to be forced to vote for Captain Trench against his conscience.' That is the 'Conscience Clause' which we know something of in the history of the National Board. That was moved by Father Horan, P.P., Mount Shannon, in an animated speech, in the course of which he used the following words:—'Look at that country yonder beyond the majestic Shannon, gallant Tipperary.' The cities of Italy used to have names and sayings attached to them —'*Genova la Superba*,' 'See Naples and die,' but they all must yield to 'gallant Tipperary.' 'Three cheers for Tipperary!'"

Perhaps the learned Judge did not know it was either Lord Gough or Sir Charles Napier who in India called upon the men of "gallant Tipperary" to do their duty; and that the phrase had then become one of which every Tipperary man was proud. The Judge continued—

"What does this amiable priest say? 'They set intimidation at defiance, and returned the man of their choice (I am sure Captain Nolan must have felt a tingling in his veins when he heard this), 'though a convicted felon, to show their hatred of the powers that refused us justice, and thereby goad us into rebellion.' That is Mr. Horan's speech. This is 'seconded by the Rev. Father Cannon as follows, every sentence in his

> most effective speech being cheered to the echo.' What does he say: 'Either you will rise to the honour and dignity of freemen; to the illustrious name of patriots, to the elevated character of a religious people, lovers of your priests which transcends all; or you will sink and fall down to the lowest depths of infamy and degradation, to be for ever branded as renegades and recreants, with dishonour and disgrace. It is the enemy of man that has stirred up this division, that has created this division, that has raised this spirit of opposition against the priests of your Church. These are the signs of the times, and one of the signs of the approaching dissolution of the world shall be that the dead will arise out of their graves. And methinks I fancy that I see the ghost of old Oliver Cromwell, his skeleton bones arising out of that sinful grave in which he and his bones had slept so long together."

The Judge, commenting upon this, said—

> "I hope I am a loyal man. I believe implicitly that no form of Government that ever existed is so calculated to preserve the rights, the franchises, and the liberties of the people as the mixed Constitution under which we live—the Monarchy of England; but if I were to lay my hand on any man for greatness—majestic greatness of character, for splendid genius, for everything that ennobles a great man—I would say that the greatest Sovereign who ever ruled England was that Oliver Cromwell."

He was, no doubt, quite at liberty to have that opinion, and if he had chosen to give a lecture in a proper place he might have proved, if he could, that Cromwell was a Sovereign in England; and he might also have got him a statue in the gallery of that building. But the memory of Oliver Cromwell was regarded by a great part of the people of Ireland with detestation; and the introduction of his name into the Judgment could not be justified. "The curse of Cromwell on you!" was to this hour the bitterest expression of hate that an Irishman could use, and the Judge seemed to pick out every point that could excite the passions of the people among whom he was speaking. He spoke in Connaught, where Cromwell gave them the choice between Connaught and a warmer place; and it was known that if one thing more than another could excite the people there it was that the Judge should become the panegyrist of Oliver Cromwell. Then, again, speaking of Edmund Burke's reference to Cromwell, the Judge said—

> "Let me tell those who did not know it that there are veins in Galway in which the kindred blood of Burke flows. That great man spoke in the highest terms of Oliver Cromwell. What said that distinguished poet about the same man?—
>
> 'Still as you rise, the State exalted too,
> Finds no distemper while 'tis changed by you—
> Chang'd like the world's great scene, when, without noise,
> The rising sun night's vulgar light destroys.'
>
> And that name is to be prostituted in the manner we have seen on the vile tongue of that audacious priest (Father Cannon)."

Surely such language as that was not proper. He would ask any Gentleman who was inclined to defend this Judgment to point out one single syllable upon which could be founded the condemnation of Archbishop McHale. It was no answer to say that Judge Keogh had condemned other men who did wrong. He had condemned 11 men who did no wrong. It appeared that Mr. Sebastian Nolan had said in conversation that even if his brother, Captain Nolan, were unseated, his brother, Major Nolan, would stand for the county of Galway. Judge Keogh, adverting to that expression, said—"If Major Nolan is a wise man he will keep away from it." What right had a Judge to utter such language, and what did he mean by it? He meant that he would take care that for seven long years the Roman Catholic hierarchy should be prevented from taking part at elections, and therefore there would be no opportunity of Major Nolan being returned for the county of Galway. He said—

> "I shall report to the House of Commons, that the Archbishop of Tuam, the Bishop of Galway, the Bishop of Clonfert, all the clergymen whose cases I have gone through, have been guilty of an organized attempt to defeat the free franchises of the electors of this county; and that Captain Nolan, by himself, and Mr. Sebastian Nolan, his brother, as his agent, in company with all these episcopal and clerical persons, whom I shall set out by name, have been guilty of these practices; and I will guard the franchises of this county for seven years, at least, for the statute will not allow any one of those persons to be again engaged in conducting or managing an election, or canvassing for a candidate aspiring to be the representative of Galway."

Was there ever such a sentence delivered before? The Judge had no right to pretend to decide that his sending the clergy into this kind of penal servitude would prevent any of them for seven years canvassing for a candidate as a friend. There was no evidence of the use of undue influence by Archbishop McHale or the Bishop of Galway, and yet the Archbishop, a man 82 years old, who carried with him the affections of the Irish people, who had for 50 years been a Prelate in their Church, was branded as a criminal without there being one particle of evidence to prove it, and he was sent into this penal servitude. This was not all; for the Judge ridiculed Captain Nolan for speaking of the Archbishop as "the Great Prelate of the West;" but even the Judge might not have grudged that venerable Prelate the title which the affections of his countrymen had bestowed upon him. The Judge need not have grudged that old and venerable Prelate the title which had been before given him. But if that were base adulation, let him call their attention to the following language:—

> "I see here and recognize one Prelate especially, who is the observed among all observers—the illustrious Archbishop of Tuam, who, like a lofty tower which rises on the banks of the Tiber, is the pride and protection of the city and the glory and guardian of its people."

Was that fulsome adulation, or was it something more? Those words were not spoken by Mr. Justice Keogh, but by Mr. Keogh, when Member for Athlone. He thought it was unfortunate for Irish justice that the most rev. Prelate of the West was one of those who had subsequently branded in unmeasured terms the tergiversation of the learned Judge. But if the Judge had the instincts which guided English Judges, and which should also guide Irish Judges, he would have forborne to wreak the hoarded spite of years by inflicting on the grey hairs of that old man a retaliation for the rebuke which had been administered to him at a former period. The Judge might have been constrained to find him guilty; but where was the constraint to sneer at the title of "the Great Prelate of the West?" It was the misfortune of this case, it was the misfortune of the system under which Irish Judges were too often selected—["Hear, hear!"]—by which the base intrigues of party had come upon the Bench, and by which men had been placed there who ought never to have been elevated to the judicial office. He had been betrayed into saying that which he had not intended to say; but he should be unworthy of the position he occupied at the Bar of Ireland were he to shrink from speaking of the manner in which Irish Judges were too often selected. He wished that Irish Judges were chosen in the same manner as those of England were—that instead of men being advanced to the Bench as a reward for political services, they were chosen by the Lord Chancellor of Ireland on grounds wholly apart from political considerations, and according to his conscience. Proceeding to touch upon another point, he would ask in what position were the Archbishop of Tuam, the Bishop of Galway, and Father Lavelle, who were not to be prosecuted, placed in? His right hon. and learned Friend the Attorney General for Ireland said that there was not sufficient evidence against them, in his opinion, to justify their being prosecuted. But in that case how were they to escape from the brand that had been placed upon them by the learned Judge? What would be said in Ireland? Some one said a Member of this House would move for a prosecution. But would this House go through that farce after the declaration of the Attorney General? Would not an excited people say that the Government dared not prosecute the Archbishop and the Bishop of Galway, and therefore they had restricted themselves to prosecuting the priests and a Bishop who had only recently been consecrated? He had carefully gone through the list of names of those who were to be prosecuted and of those who were not to be prosecuted, and he believed that he should be able to convince the House that the acts of the Government bore the most distinct mark of partizanship. The Bishop of Clonfert was to be prosecuted on the ground that he was stated to have held an anathema over the heads of the voters who did not vote in the way he dictated. The only person who had given evidence against him was strongly suspected of deep sympathy with some movements with which that House, at all events, would not approve. The Bishop himself was produced, and swore that he had carefully prepared what he intended to say; that he told them it was their duty to give their votes according to their religious conscience; that no landlord nor priest had a right to dictate to them; but he wished them to support the man whom the clergyman advised them to support; but he warned them that no political advantage was worth a sin, and that it was a sin to indulge in hatred and uncharitableness. The Bishop's evidence was corroborated by Mr. O'Shaugnessy—against whom the Judge could only charge that he was too big to be a magistrate of one county, and that, like the Colossus at Rhodes, he

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stood with one foot in Roscommon and the other in Galway—and by another respectable witness, a medical man. The learned Judge, however, said that he would not believe the oaths of the Bishop and of these two creditable witnesses, because a priest who was present at the time had not been produced to give his version of the affair. Had that priest been produced, the Judge, of course, would have said—"Oh, we are all aware which way the sympathies of the curate are likely to go when the character of a Bishop is involved." He regarded the prosecution of the Bishop under these circumstances as an undisguised instance of partizanship. There was another important instance. The Rev. Mr. Conway, of whom they had heard, was driving along the road after the election, and it was said by a witness that, in referring to an elector who did not vote for Captain Nolan, and who had died since the election, he said—"He is down, and more of them will follow." There was an English traveller on the car, and he gave the same version of the conversation as Father Conway. A Spanish gentleman who returned to Madrid soon afterwards, was also present, and Judge Keogh asked why he was not produced. All these things took place after the election, and should not form part of the evidence affecting Captain Nolan's return. In the case of Father Coen, it was alleged that he had made use of the expression that the priests would violate the secrecy of the Ballot by means of the confessional. All that had been proved against him, however, was that, some time before the election, in speaking of the Ballot, he had asked how the secrecy of the Ballot could be preserved if the priests were wicked enough to get from each voter the way he had voted when he was in the confessional. And the mere fact of Father Coen having asked that question had been twisted by the Press into an admission that there was a deliberate intention on the part of the whole of the whole of the Roman Catholic clergy in Ireland to defeat the Ballot. He (Mr. Butt) did not mean to justify all the language that had been used even by the Catholic priests at that election; and he believed that the best chance that night for the learned Judge whose conduct he was impugning was the feeling that had rallied around him by the language which had been uttered against him, just as he believed that the best chance of the priests was the feeling which the intemperance of his language had rallied around them. The House should enter into the feelings of their Roman Catholic fellow-Christians at having the statement put forward and echoed in every English newspaper that the Roman Catholic clergy intended to use the confessional to defeat the Ballot Bill. He had intended to show—and he hoped that some hon. Member in the course of this debate would show—that in this case the proofs of the landlord intimidation were clear and distinct. There was that case in which the bailiff brought a letter from Sir Thomas Burke, in which were these words—"I expect my tenants will vote as I will." In one instance a wretched old man fell down upon the ground, and implored his landlord to allow him to stop at home. The landlord said he would not coerce his conscience; but the bailiff had been with him (the landlord) and everyone in Ireland knew what the meaning of that was. But in the Judgment there was no word of condemnation of any one of those things—not one word of condemnation of Lord Clanricarde, who told his tenants in effect that if they treated the relation of landlord and tenant as one that involved no allegiance from them to him, he would treat it as one involving no right on their part to favour from him. The "running gales" were accordingly called up, and after the election he withdrew his custom from the town. There was no condemnation of that from the Judge. The influence of the landlord was regarded as legitimate and as a thing to be encouraged. From beginning to end, therefore, he said that was a partizan Judgment; and that through that partizanship the Judge had been led to condemn innocent men for that of which there was no evidence, and to use language which was a disgrace to the Judicial Bench. The hon. and learned Gentleman, in conclusion, said—I thank the House for the patience with which it has heard me. I warn you that you are engaged in a very serious inquiry. I appeal to you, as the great tribunal of the country, on behalf of the Irish people, to give them redress against this great scandal and mighty wrong. I appeal fearlessly to the Members of the Conservative party, who have great traditions, which teach them to respect judicial dignity and judicial integrity. I believe that that dignity will not be upheld by leaving unrebuked licentiousness like this. I appeal to the English Bar—would they like to hear an English Judge utter such language as I have quoted? I ask you, as lovers of justice, can Father Lavelle trust this Judge in any case affecting his life or property? Can any Roman Catholic in Ireland trust him? The Constitution has left to this House and to the other House of Parliament uncontrolled discretion in the removal of a Judge. I refuse to palter with this question. I will be no party to censuring this Judge and leaving him, dishonoured and disparaged, still to administer justice. The Judge who deserves censure, deserves removal. I, at least, have done my duty, and in the name of the Irish people whose Petitions have been presented to you to-night—in the name of the honour and the dignity of the Judicial Bench—in the sacred name of that justice which has been insulted—in the name of the law which he is unfit to administer—I ask you now to support me in my endeavour to obtain an impartial judicature for Ireland. The hon. and learned Gentleman then moved the Resolution which stood in his name.

Mr. MITCHELL HENRY*: Mr. Speaker — I rise under a deep sense of responsibility, and fully impressed with the magnitude of the issues involved, to second the Motion of the hon. and learned Member for Limerick. I should have been better pleased to do so, if Judge Keogh had not made any personal allusion to myself, and especially none that was complimentary. With the evident design, however, of adding one more incident to the epic story he has composed to show the extent of priestly domination in Ireland, he drags into prominence the election of 1871, and remarks that I am connected with Roman Catholics, and have a brother a distinguished priest, and a Jesuit. I am aware that in the printed Report—which, notwithstanding the vehement declarations to the contrary, I shall be able to show has received its fair share of significant corrections under the Judge's own hand—the word Jesuit has been left out. Sir, my brother became a priest too late in life to be distinguished; has led too retired a life for the purposes of ambition; is not a Jesuit, and has nothing to do with the county of Galway. The House does not expect me to enter into the details of my own private life, and would not tolerate me if I did; but if we all feel that such topics are irrelevant, what are they but idle, indecent, and impertinent in a grave Judgment from the Bench. But, Sir, this love of gossip in the Judge involves more serious consequences; for in his desire to weave a connected and sensational tale, the Judge has quite missed the true significance of the late Galway election. That contest was in no sense a political contest. It was the direct, the natural, and the inevitable result of our recent legislation, and especially of the Land Bill; and this point, if hon. Members will give me their attention for a moment, I will speedily make clear to them. In no county in the United Kingdom had the voters, up to the last election, so implicitly followed the lead of their landlords as in Galway; and it is simple justice to say that, although when Judge Keogh was himself a candidate for a popular constituency, and relied on that priestly support which is now so odious to him, he described the Irish landlords as—"the most heartless, the most thriftless, the most indefensible landocracy on the face of the earth,"—yet the county gentlemen of Galway, and especially the old families, have, as a rule, by their residence, by their kindness, and by their justice, set an example to all Ireland. That this fiduciary relation, so to speak, between landlord and tenant as to the vote had come to be considered the normal state of things, is very well shown by the following letter—which I quote from page 221 of the Evidence—written by a landlord and a dignitary of the Church of Ireland to his agent, but to which the Judge makes no reference whatever:—

"Saint Grantons', January 6th, 1872.

"Geohegan,—I wish the tenants at Caltra to support Captain Trench at the coming election by their votes; please let them know this.

"C. H Butson."

"Let them see the enclosed."

Which were extracts from papers adverse to Captain Trench's opponent. It also appears at page 31 of the Judge's Report, where he describes a bothered voter, who, having been interfered with at the polling-booth, at first says he would vote for Captain Nolan and Captain Trench; and being told that he could not vote for both, finally says that he will vote for his "master"—that is, the Law Life Assurance Company. The most conclusive testimony, however, is given by Captain Trench himself, who, at Question 15,920, page 456, says—

> "I personally canvassed every town, and I rode through the various estates in the county, and there was scarcely an estate in the county where I did not get the same answer; and I found almost universally the answer—'Sir, we like you very much; but we must vote with our landlords, and if our landlords vote for you, we will vote for you.'"

What is the Judge's own notion as to the franchise may clearly be seen in a remarkable expression which he makes use of at page 48. Referring to a worthy Baronet whose conduct in the election had rightly or wrongly been complained of, he says—

> "Sir Thomas Burke has been spoken of already, and I do solemnly believe that a kinder-hearted man never had in his hands the 'control of tenantry.'"

And at page 58 of the Evidence you will see it is stated that as this landlord wished to speak to his tenants as to their votes, "they were ordered to come" to the mansion at 12 o'clock. It is all summed up in an expression used to me by a large landowner, after the decision had been given. He said, speaking of priests and landlords, if "two men ride a horse, one must ride behind"—forgetting, as he said it, that the horse which is to be ridden is the free and independent voter, whom the Constitution says shall not be ridden by anybody—

"You have among you many a purchased slave,
Which, like your asses, and your dogs and mules,
You use in abject and in slavish parts,
Because you bought them.
Shall I say to you,
Let them be free,—marry them to your heirs?
Why sweat they under burdens? Let their beds
Be made as soft as yours, and let their palates
Be seasoned with such viands? You will answer,
'The slaves are ours.'"

I venture to say that these details let in a flood of light upon the secret history of this contest. It was, in truth, a contest between landlords expecting, as if in some sort naturally, the votes of their tenants to return a Gentleman who sits on the Opposition side of the House, and the voters themselves, who are supporters of the policy of the present Prime Minister, headed and urged on by their priests. Let the lovers of electoral freedom on both sides the House—I do not by any means think they are confined to one side—remember this—that ever since the Reform Bill of 1832 Galway has returned Liberals to Parliament, and when, in 1859, Lord Dunlo, the brother of the hon. and gallant Gentleman opposite, contested the county on Conservative principles he was handsomely beaten. You will then see that there is something behind this cry of clerical dictation, and that something is involved in the answer to the question—What made the Galway priests unite on this occasion, which, bear in mind, they have never done at any former election, having hitherto been more or less divided? To say that it was a conspiracy of Bishops and priests to force a candidate of their own on the voters contrary to their political convictions is a ridiculous perversion of the truth. And that leads one to ask the question whether priests and parsons are entitled to exercise any influence at all at an election? I can understand perfectly well that priests in Galway or elsewhere, by undue influence or whatever else it may be called, by violence of language and the like, may deserve to be disfranchised themselves; but it does seem to me a most monstrous thing that half the voters in the county, for listening to them and for adopting their views—no matter whether they are cajoled or terrified into doing so—should incur the like penalty. I have observed in this country—and the hon. Member for Carlisle (Sir Wilfrid Lawson) and his Friends will agree with me—that when a strong party, moved by an irrepressible and earnest desire to maintain the equilibrium of their fellow-creatures, and to prevent among them the catastrophe of Noah, exert themselves to the utmost, they do not disdain the influence of the Roman Catholic priesthood. They are very glad, in their printed bills and household visitations, to placard the names of certain priests as hand-in-glove with them; and if the priest brings in his train a a sufficient number of anti-drink adherents, they do not, I suspect, stop too curiously to inquire whether he gathered them to the righteous side by hopes of Heaven or threats of Hell. They are very glad to enlist Dr. Manning, to show him on their platform, to permit him to speak, and to exhibit the true teetotal zeal—and why? Unquestionably, because his influence as a Roman

Catholic Archbishop has a power and a weight which they estimate and think worth having. There really is, then, a priestly influence, which is commendable, brought to bear conspicuously, persistently, vigorously, dogmatically, with the fervour of a neophyte, and a sincerity as great as that of any bibulous sinner who ever took the pledge from Father Matthew. Such an influence of Roman Catholic Bishops and priests you accept—applaud it, pronounce it straightforward, outspoken, moral, quite the right sort of thing—because it is on your own side. Those priests, perhaps, do say something strong to their flocks; show how drunkenness stimulates other vices, causes crime and sudden death. But, then, it is in a gentlemanly euphuistic style, as broadcloth speaks to broadcloth; they do not rap out to the frieze-coated voter—"Do that, Pat, my boy, and you will go to Hell." Well, then, is priestly influence to cease when we come to an election? Since you made an *ex post facto* law to keep Horne Tooke out of the House, have English parsons never uttered the word "vote"? Have the Conservative gains in Lancashire at the last General Election never been attributed to the "glorious stand made by the Anglican clergy for Queen against the usurpations of the Pope?" And is the priest in Ireland forbidden to explain to his flock why one candidate is not the same to him as another? Because that is what it comes to. In this Judgment Mr. Justice Keogh includes them all in the conciliatory phrase —"the whole rabble rout," and disfranchises an Archbishop and a Bishop, because they each wrote a letter stating why they thought Captain Nolan an eligible, and Captain Trench an ineligible candidate, just as much as humbler priests who exceeded the bounds of electoral propriety. This learned Judge, who as times go was not so particularly straight-laced a politician when he had party objects to serve, has become such a Purist that he will not even hear of clergy at an election, but puts them all on bread and water for seven years, whether they are guilty or not. Again, the Judge is entirely wrong in his account of what took place at the previous election, when I was returned in succession to Lord Burke. The first intimation that reached me that I might possibly be found to be an acceptable candidate was from influential landlords themselves. At that time—except the most casual acquaintance with the Archbishop of Tuam—I knew none of the Roman Catholic Bishops, and none of the clergy out of my own parish; and it was only later that I found I should receive much of their support, in accordance with the feelings of a large portion of the Liberal voters; yet the Judge infers that I was the candidate of the priests, who were actually divided—and rather strongly divided—as to my merits. It may seem odd to hear of clerical support; but, Sir, the legislation of the days of bondage and intolerance in Ireland has made the name of priest in the ears of the people synonymous with patriot—and in all the hard-earned victories which gave the Catholics personal and religious freedom, they have continued to be led by their priests, and, I doubt not, will so continue to be led. It is idle to talk of their adhesion to the Liberal candidate on the recent occasion as a conspiracy; for everyone who knows the county of Galway is aware that a conspiracy between the ruler of the archdiocese of Tuam and the rulers of the dioceses of Galway and Clonfert is simply impossible, and the Evidence itself tells us that during the whole contest no word and no line on the subject of the election passed between the Archbishop and the Bishops. I grant you there was the consentaneous but independent action of men who knew their own minds, and were leading on a willing flock, and were anxious that the policy of the present Prime Minister should continue to be supported in Galway. I do not for a moment justify, on the contrary I emphatically condemn, much that was said and done by some of Captain Nolan's supporters; but, Sir, the common experience of mankind tells us that fire, long pent up, burns with fierceness at last, and in considering the details of a heated election contest, you must not merely condemn, but, as impartial men, you must endeavour to understand the motives and the springs of actions of which you cannot approve. Now, this is precisely what the Judge has not done. He sees only one side of the picture, and bends every incident to his contorted view. I observe with pain that many of the leading journals say distinctly the grave, discreet language of the English Judge is not to be expected in Ireland; and whilst they praise — what no one can deny — the graphic drollery of the Report, which is as comic as a chapter in *Don Quixote,* they insult the frieze-coated voters who returned me to Parliament by declaring that such judicial language is good enough for them. Sir, I have heard it said of England that because she is a great country her education must be equal and free—the opportunities of the State and its honours open to all; but I say, also, that great as she is she cannot afford to have judicial harangues appearing in the daily papers, teeming, page after page, with comic jests, with scurrility, with the most disgusting flattery, with needless inuendoes and little sarcasms against inoffensive individuals, as the whim of the Judge or his personal prejudices prompt his tongue. It is not enough for Government to appoint a lawyer or a clever advocate to a judicial post. The country has a right to expect also unblemished character, prudence, patience, forbearance, reasonable gravity and impartiality, and, above all, that equity of mind of which Portia says, in *The Merchant of Venice*—

> "Therefore Jew,
> Though justice be thy plea, consider this—
> That in the course of justice, none of us
> Should see salvation : we do pray for mercy ;
> And that same prayer doth teach us all to render
> The deeds of mercy."

Sir, we have waited patiently until the Report and all the Evidence was on the Table of the House. We have waited whilst the voters of Galway are raging at their disfranchisement, but much more at the language applied to them—"mindless, brainless, coward instruments." We have now got the Report, and fortunate would it be for this Judge's reputation if we had never seen it; fortunate for the decency of justice, and the memory of the Minister who made such a Judge; fortunate for the peace of Ireland, and for the fame of the British name. I do not enter upon that Evidence; I confine myself to the Judge's own language; and I say, upon the face of it, that a person using such language is not fit to hold Her Majesty's Commission of the Peace; for, by the malice of his tongue, he has murdered peace. The malice of the tongue is quick—it stirs up the passions of multitudes, it conveys civils strife and civil war. By the Press, in a day, the sarcasms of the Court-house set—aye, and were meant to set—men's minds in flame. That trimmed and corrected Judgment that we have before us, purged by the Judge's own hand of many a word of fulsome flattery, and many a word of bitter, wicked malice, gives but a shadowed picture of the reality. The Press itself holds the mirror up to nature—it reflects the gestures of the Judge, as well as tells his words; and it is for the protection of the public that it be recorded if his face kindled with unjust passion, if he leered with malice, if his tongue trembled with rage, and if he showed unworthy spleen. I accuse him of keenly reviling what so many hold sacred—of recklessly pandering to party passions, making no scruple to display his own; and that, by colour and by virtue of Her Majesty's Commission, to inquire and report upon interests belonging to this House, and to this House alone, as Representatives of the people. I accuse him, moreover, of absolute dishonesty in the trimming of his Judgment, so as to make it less offensive, notwithstanding we were told that he had only corrected typical errors. I will take some instances collected from the shorthand writers' manuscript deposited in the House. The Press tells us—"Here Judge Keogh mimicked Father Conway's mode of expression, creating laughter in the grand jury gallery." The point was the erection of a platform. We find, indeed, the "high stilted tones;" the words used were—"an abominable air of affectation" — in which the poor priest said it was erected in his own demesne; but we miss the comic imitation of the performer on the Bench, although we can read his comments.

> "Some few scrubby acres" ["scrubby" *scratched out*] "that some landlord has been wise enough to give him to stop the clapper of his tongue, which must be infinitely more offensive than that lugubrious whistle which disturbed my rest for six weeks after I came into this town of Galway," "or the clapper of any wheel that was ever heard in the world." [*Omitted.*]

Father Conway has gone to his account. He died of fever caught in the discharge of his duties to a poor parishioner a few days after these cruel words were said—his sensitive nature not unaffected by the insults safely addressed to him from the Judicial Bench, to which he could make no reply. He was no friend of mine, but a strong political opponent. Justice compels me, however, to say, that impulsive as he might be, his impulses were always on the side of the lowly and the oppressed, and he died as he had lived, enshrined in the affections of his people. For another irritating sarcasm on a priest, at page 10, we read—"The Reverend Mr. Deely," the words—"the old name of Daly, he has Anglicized it into Deely," judiciously struck out. Then, speaking of Mr. Sebastian Nolan, the words—"that inimitable stage manager," are removed, and at page 11 we find that this gentleman was reported to have said that as Dr. Duggan had been appointed Bishop of Clonfert they had now all the Bishops; and this is the Judge's commentary — be it remembered those Bishops sitting by and hearing him—

> "Let the castles do what they like, let the rooks caw [that is, the priests], let the knights ride in and out of armour, we have got the Bishops."

And then, further on—

> "I spoke of castles, I spoke of rooks, I spoke of knights, I spoke of Bishops, why would I leave out the people as pawns." [*Roars of laughter.*]

Of all this elegant buffoonery, the only words left in the Report are—"Let the castles do what they will, we have got the Bishops." I could multiply such instances; but not to take up time I will give one or two specimens of alterations designed to make the Judge less disgusting in his adulation and flattery. Lord Westmeath, whose high character requires no certificate from the Judge, is spoken of—bear in mind he had been sitting by the Judge during the trial—as "Earl of Westmeath not by virtue of any modern—trumpery—creation;" but "trumpery" is struck out, because, I suppose, Mr. Justice Keogh reflected that when his Judgment was laid on the Table of the aristocratic House over the way—as it has been laid—those comparisons might be considered odious to some of our brand-new Peers; and perhaps he thought that a fling by a Puisne Judge against his Lord Chancellor might not go down with an English audience. Then of Sir Thomas Burke, here is a burst of eloquence carefully toned down by the judicious pruning knife of the Judge—

> "I recollect Sir Thomas Burke in Parliament and out of Parliament, and I must say of him, whether he voted in a party division or did not, whether he went over or staid more wisely away, whether he hated the Tories or did not, he was one of the most popular men that ever walked within the walls of Parliament."—[Page 13.]

Then the Judge, in further ridicule of the priests, wishes they would call themselves curés and abbés, instead of putting all those alphabetical honours after their names; and he has a hit at the plebeian burgesses of Galway, judiciously left out in the Report.

> "I declare I see sometimes in the papers a town councillor with as many letters as would make three alphabets after his name."

Then there is Mr. Joseph Kelly, at page 21. "Beyond a doubt," says the Judge, "a gentleman of the mildest manners." And then the following inimitable specimen of bathos is struck out:—

> "Like his brother, the most accomplished, educated mathematician of his day, in Trinity College, who is not only beloved at the Bar, as gentle as a girl of twelve years of age, but is an accomplished lawyer, and a most admirable Judge."

Sir Arthur Guinness is said to have borne his unseating at Dublin like a gentleman of high spirit; and as a special recommendation to the sporting county of Galway, the Judge says—"He never turned a hair upon the subject." [*Omitted as not quite refined enough.*] Then, the contumelious expression applied to the Bishops and priests—"ecclesiastical corporation"—is judicially and judiciously altered to "clergy."—[page 29]. Then there is a clergyman, the Rev. Mr. McGovern, of Ballygar—"the very name makes me and you shake," says the jocular Judge—taking his audience into counsel with him. [*Omitted.*] Then, at page 49, the late Duke of Newcastle is mentioned, under his earlier title of Lord Lincoln; and the Representative of Her Majesty on the Bench, dutifully remembering that it was that chivalrous Duke who defended him in the famous debate in the House of Lords, when public propriety was shocked at the elevation of Mr. William Keogh to office, he says—"I enjoyed his friendship—I may say his patronage." The Judge should have lived a century ago, when no doubt he would have been an edifying spectacle in the ante-room of the great, looking out for the crumbs that might fall from the rich man's table. But this, too, is left out. And now one extract more and I have done with this disgusting mess of toadyism and spleen. At page 17, the Judge is reminded that the old Catholic families of the county have been despoiled of lands—

> "I venture to say," says he, "that there is not one who has not lost large possessions—and I can speak feelingly, too, upon that matter—by reason of the fidelity of their ancestors to their faith."

This passage, so naïvely brought in to explain the Judge's hereditary sympathy with persons of large estates, is also left out; and, for my part, I can only devoutly wish his estates had been spared, and he had remained a squire, and had never become a Judge. Sir, I am entitled to say that it was not by this cooked Report, but by the public Press report, that Ireland was excited; and we are bound to consider what was the whole demeanour of the Judge: whether the language used befits the Bench, the man who used it, and the country; and if not, we are bound, methinks, to have some regard to the dignity of the Crown. And against whom were those sarcasms hurled? Against the ministers of the people's religion. In Ireland the priest is regarded by his people with a reverence we have not for the clergy in England. Here, if a minister is vain and capricious—if he has failings or even vices—his sermons are affected by the character of the man, and pass by as the idle wind we regard not. Not so with the priest. His ordinary address is "Your reverence," because of the character of his mission. His people excuse his shortcomings for that; for it is impossible for a man to be attentive to his religious duties, to confess his sins and receive absolution, to come to the altar to receive the sacrament, and then to revile his priest. He knows his faults very well—he regrets and pities him, perhaps prays for him—but the respectable Catholic cannot flout and mock the consecrated minister of his religion. The frailties of the priest are treated as Shem and Japhet did the dishonouring drunkenness of their father—with averted faces they cloak the shame. They call him Father, as acting in their view as the Father of all. Sir, I honour these sentiments, though I do not share them; and it appears to me that a Roman Catholic Judge, who flings round his shafts on every side against his Bishops and priests, is on that very account not the man to distribute justice among them. That calm reproof, that painful struggle under the weight of evidence to blame impartially, visible to men's eyes, and felt the more because it costs the Judge so much, is not to be expected from him. Naturally enough the harshness of his tone, the vivacity of his voice and action, the withering vituperation has been taken universally amongst the peasants as an onslaught on religion itself. Yes, Mr. Speaker, I charge Judge Keogh with deliberately outraging the religious feelings of a religious people; and there is no one passage in his harangue which has given so much offence, and occasioned so much consternation, as his sneers at the efficacy of prayer. Go amongst the peasantry of Ireland, and your greeting, from the bottom of their hearts is, "God save you;" visit them in their sickness and sorrow, when their crops have failed and hard hunger knocks at their door, and their commentary is, "God is good." Do them a service, and the highest reward they can promise you—not in meaningless words, but out of the sincerity of their religious nature — as I have heard a thousand times, is, "We will pray for you;" for this people of the West pray not with their lips only—they believe in prayer, they believe that they have a Friend in Heaven who will at last redress their wrongs and vindicate Himself to them; and yet, Sir, before such a people, Judge Keogh, from the judgment-seat, and clothed in the official ermine, retails a stale and ribald jest, and fathers it withal on a priest, to show that it is no use their praying for rain unless the wind changes. It is almost incredible. When he calls a Galway priest—"this insane disgrace to the Roman Catholic religion," I cannot help asking what religion he owns himself, and whether he disgraces it or not, and whether he is sane? I am not surprised at his dislike of the word renegade. It is a common term for a traitor—political or religious; and I think there are those who remember his Athlone and Limerick speeches — "the long nights and the short days"—who may feel inclined to think that his violence may be traced back to some association with the term applied at home. The Judge seems to me to require retirement and repose—his temperament demands it. He has had, he says, of public life and of judicial life, *satis superque*, and I would take him at his word. He is always boasting of his purity and his courage.

> "The higher the person who used this undue influence," he says, "the more fearlessly he ought to be dealt with. I care not whether he be curate,

parish priest, administrator, Bishop, or Archbishop: I cannot go higher than that in this country."

He does not stop short of the Pope. It strikes me that it was not necessary to beard the Pope himself, and to shock his fellow-believers, by dragging down the infallible Head of their Church to the level of the curate examined before him. He shows such a deplorable incapacity to discern the relations of things—such an irritating capacity for self-glorification and depreciation of others—such an entire absence of a well-balanced, judicial mind—that if, in fact, he were mad, he would not be more unfit to propound justice to a Catholic population. In Greek, in Latin, in English, and, doubtless, in what he describes as trans-Shannonite gibberish, Mr. Justice Keogh must be allowed to be a master of voluble abuse. He tells one gentleman not to trouble himself about the whole mass of filth raked against him by that parish priest—[page 17]. He speaks of citizen priests, four or five by name, as the whole nomenclature of the most extraordinary presentation of the Christian character that has ever appeared—[page 18]. He tells his humble co-religionists that he firmly believed they all thought a French general was one of the canonized saints of the Church. He has no doubt in the world about it—[page 23]. He ridicules the education of the Catholic colleges of St. Jarlath's and Maynooth, and takes a fling at the public schools—

> "These are the gentlemen who say they ought to have all our education in their hands. These are the people who say that that there can be no education given properly unless it is handed over root and branch to the gentlemen who keep 'musicianers' in the National Schools."—[Page 26.]

Because a priest speaks of the common traditions of his country, he says—

> "The amount of history that is to be found in that gentleman's head" [it is "skull" in the MSS.], "I will venture to say can be contained in the smallest pippin that was ever cracked after dinner."—[Page 30.]

Sir, I will not pick out other passages that certainly do not much help the conclusion of this astounding Judgment. "To recur," as the Judge piously observes, "to the maxims of our Great Teacher, whose every word was a parable of love," the whole Report is before you, and the commentary of the Judge, on the religion of the Great Teacher, is to be found at page 31. The ministers of modern religions remind him of the priests of Cybele clapping their cymbals to drown the voice of their God. Sir, I stand abashed before the piety of the Bench. But in "those wild though beautiful wastes," where Providence has made me dwell, wherein I hoped for justice without distinction of class or creed—because justice is the inborn right of every man, I hear the surging of the sea, and the thunder that follows the flash, and I ask, why? Because I find justice, not so much denied as travestied, laughed at, and made the spur of the hot haste of national commotion. The Judge praises Cromwell, and he talks of trans-Shannonite gibberish. The term is, probably, not very intelligible to the House; but it is instinct with meaning and with malignity to the people of Connaught. Cromwell, who destroyed their churches, murdered their priests, and slaughtered hecatombs of their countrymen, sparing neither age nor sex, on the 26th September, 1653, assigned Connaught as the habitation of the Irish nation, whether they must transplant with their wives, and daughters, and children, before the 1st May following, under the penalty of death if found on this side of the Shannon after that day. Driven into exile across the broad river, after 200 years, the righteous Judge again assails the children of the Irish nation with speaking trans-Shannonite gibberish. Sir, a lunatic in a powder magazine, with a red-hot poker in his hand, would be as safe a guide as such a Judge. I will trace this malignity but one step further. The three Bishops reported in the Judgment have petitioned to be prosecuted. One of them, more fortunate than his brethren, is to have an opportunity of proving his innocence before a jury. The Petition of Bishops, and their committal, was once the signal which cost the son of that King whom Cromwell murdered, his Crown, caused a century of rebellion, and gave Ireland the blessing of Protestant ascendancy. Judge Keogh names, in connection with Bishops, whom the people revere, "seven years of penal servitude;" thereby, so far as in him lay, suggesting to an excitable people the spectacle of their Bishops, taken handcuffed to the malefactors' prison, headed by that venerable man now more than 80 years of age, whose name, for a half-century, has been a household word wherever Irishmen are found. Dr. MacHale has been known for the unflinching constancy with which he has maintained his opinions, and through good report and through ill report has stood behind what he thought the rights of his countrymen and of his beloved Fatherland. Henceforth he shall "pale his ineffectual fire," and conclude his days a criminal, sentenced by that upright Judge. But, Sir, is there not a cause? Did not that same Archbishop once brand with infamy the violation of a self-imposed oath, and mark with shame the first step in the official ladder which enabled the heated politician of 1852 to don the judicial ermine; and does this House suppose the people of Ireland are not too stupid to appreciate the coincidence? Dr. Duggan, too, the Bishop of Clonfert, sneered at by this fastidious Judge, because he boldly said that he was "peasant born," and therefore sympathized the more with lowly men, he shall begin his episcopal career as the Archbishop possibly ends his—the subject of seven years' penal servitude. Be it so? Dr. Duggan is loved throughout the West, and known as the hardest working, single-minded parish priest, who in the famine time sold his all to keep his neighbours from starvation, and who so habitually shared everything he had with his flock, that when he was made a Bishop all Ireland hastened to raise that sum absolutely necessary for him; for his all was with the poor. If I were to pick out one man the type of a missionary priest, at once religious and energetic, I should name Dr. Duggan. But, Sir, I ask, by what law, human or Divine, by what code of honour or morality, does Judge Keogh sneer at this ecclesiastic, and then suppress his sneers in the Report he has submitted to this House? At page 11, he sarcastically refers to the Bishop preparing for the duties of his office—"No doubt, reluctantly and unwillingly." And a little further on he slily congratulates the people of Roscommon that some of them are under this Bishop — "My friends in Roscommon enjoy this advantage." These are the touches that have galled the people to the very quick, and these are the touches the Judge has deemed it prudent not to submit to a British Parliament. One name still remains—that of the Bishop of Galway—a ripe and elegant scholar; a voluminous ecclesiastical writer, of whom Judge Keogh is good enough to say that he is "an intellectual, educated, solemn, grave, and religious pastor," (page 18), and whom he has the incredible audacity and bad taste publicly to single out as the successor of the venerable Archbishop of Tuam, a few days before actually cross-examined for hours in that very Courthouse, and who, as the Judge says, "exhibited all his mental, as well as his physical faculties unimpaired"—[page 7]. Does the House clearly apprehend what that means? Imagine an English Judge in the course of a trial, in which both were examined, publicly giving it as his opinion that a particular Bishop would be fitly promoted to the See of Canterbury, if the old man, lately before him, should shortly die. Come from what quarter they may, it seems to me that in such observations the "force of impudence could no further go." Sir, you may invest a Judge with the authority of the Crown, you may clothe him in all the dignity of the judgment-seat; but there is no power on earth, nor does any exist in Heaven or beneath the earth, to make others respect a man who does not respect himself. Pause before you reject this Motion, or give it the go-by, by adopting such an Amendment as that of the hon. and learned Member for Taunton. Pause, that you may think how worthless and mischievous is the Judge who scalds his hearers with the ebullitions of an unruly temper and a flattering tongue. You say that the great fault of Ireland is, that she has no respect for the law; be doubly careful, therefore, who you make administrators of the law. The Judge, I say—whether evidence establishes his charges or not—who cannot command his passions, and lets loose his tongue among a Roman Catholic population, to speak of their religion and their character as this man has done, is a recruiting sergeant to increase the number of your troops in Ireland. Augment your Army you may, stretch your coercion laws you can; but there is one thing you cannot do—refuse justice and maintain your Empire in peace. If such a Judge is permitted to roam about the country on the plea of judicial duties, dishonouring the delivery of the law, then must Englan think that Irishmen are dead indeed to shame, and that the God of Justice has veiled his face.

Motion made, and Question proposed,

"That this House do resolve itself into a Committee of the whole House, to consider the Report of the Address delivered by Mr. Justice Keogh on the occasion of delivering Judgment on the Trial of the Election Petition for the County of Galway, and the complaints that have been made of the partisan and political character of that Judgment and Address."—(*Mr. Butt.*)

Mr. PIM said, the passions excited on either side were so strong that they became a formidable obstacle in the way of anyone who preached moderation. He knew that, whatever might be the case in other matters, the middle course was neither the safest nor the easiest in political affairs; yet, on the present occasion, he felt bound to take it. He had no feeling of hostility towards Mr. Justice Keogh; he believed his decision in unseating Captain Nolan was a just one, and strictly in accordance with law. He had no idea of justifying the clerical dictation which had been condemned by the hon. Judge, and he reprobated as strongly as anyone could those senseless exhibitions of anger in the shape of effigy-burning which had been witnessed in several places in Ireland. Nevertheless, he felt bound to raise his voice against the language which Mr. Justice Keogh had used, as—

"Intemperate and inconsistent with the dignity which ought to be maintained by a Judge, and therefore calculated to lower the character of the Courts of Justice in the estimation of the people of Ireland."

The language used had, in fact, seriously impaired the value of a just decision. The address was wonderfully discursive. In parts it was like the harangue at a debating society, or a lecture delivered to a Young Men's Association—as when he quoted Homer and Virgil for the enlightenment of the peasantry of Galway, or when he broke out into a panegyric on Cromwell or Milton, or treated his audience to four lines of Byron in explanation of the meaning of "Renegado." A panegyric on Cromwell was certainly a most extraordinary topic for a Galway audience. Cromwell was no doubt a great man—a true-born Englishman, and Englishmen might praise him. But to Irishmen his character presented a darker aspect. In Ireland, Cromwell was known as the author of the transplantation, as it was termed, under which the Irish Roman Catholics were driven to Connaught from their estates in Leinster and Munster, under the threat that, if they did not go to Connaught they might go to "another and a hotter place." His name was associated with the massacres of Drogheda and Wexford, and with the still more atrocious, though less generally known, transportation of young men and women —many of them belonging to Irish families of rank—to be made slaves in the West Indies (the proofs of this were to be found in the Correspondence of Secretary Thurloe with Henry Cromwell). And it was to men in whose breasts the traditional memory of these atrocities rankled that the learned Judge uttered his panegyric on their author. It was madness; it was like waving a red flag in the face of a bull; and whatever might have been its object, its effect must have been to excite the angry passions of his hearers, and to prejudice them against anything he might afterwards address to them. His praise, in other cases, was as fulsome as his censure was undiscriminating. His sarcasm was wholly unsuited for a Judge. Of one priest he spoke of "the offensive clapper of his tongue." Another he held up to scorn for his ignorance of the Queen's English. Another was described in the words—"*Splendide Mendax!* what an odious exhibition he made of himself upon that table!" One was compared to Thersites, and one to the Harpy Celæno; while another was spoken of as "this wretch," and his evidence as "the debauched evidence of this dreadful priest;" and the whole were characterized as a "rabble rout." He (Mr. Pim) would not inquire whether those opprobrious epithets were warranted by the evidence, because, whatever the evidence was — and he certainly had not read it — it could not justify such language. Such language was inconsistent with the dignity of his office; and it lowered the character of the Court and prejudiced the minds of his hearers. It was most unfortunate that the language used had taken possession of the public mind, and had drawn off the attention from the decision itself to the words in which that decision had been given. The utterances of a Judge in such a case ought to be strong and decided, but calm and dignified; and his condemnation of the guilty should be that of a man who felt sorrow in being obliged to condemn, rather than that of one who exulted over their misconduct. In these remarks he (Mr. Pim) was not defending clerical dictation, to which he was as strongly opposed as he was to the dictation of landlords or the dictation of the mob. And it was in the hope of getting rid of all these sources of undue influence that he had supported the Ballot. Under the circumstances of the Galway election, the judgment would have had a good effect if it had been expressed with moderation; but the violence of the language made the Roman Catholic clergy appear as martyrs in the eyes of their Roman Catholic fellow-countrymen, and the result would be to give them a far greater influence at the next General Election than they would otherwise have possessed. Captain Nolan had also been made to appear as a martyr, and a large sum of money had been put into his pocket. The Amendment of which he (Mr. Pim) had given Notice was objected to by both parties. One said—"If you censure the Judge's language, you must, as a logical consequence, go on to remove him from the Bench;" the other said—"If you censure the Judge's language, it is impossible that he should continue on the Bench, and therefore it is better not to censure him at all." To the first objection he replied that it would outrage all sense of propriety to remove a Judge from the Bench merely for words used by him, however intemperate, when there was no evidence of any corrupt motive. To the second objection, he replied that truth was truth, and should not be concealed; that to withhold censure where censure was due, for fear of the consequences, was doing evil that good might come; and that more harm would result in Ireland from the refusal of the House of Commons to censure openly this intemperate language than from saying plainly in public what everybody admitted in private. He believed that no Judge had been unseated by Parliamentary action since the passing of the Act of Settlement. But a case occurred in 1834 which was to some extent a precedent. In that year Mr. O'Connell, then Member for Dublin, moved for a Select Committee to inquire into the conduct of Baron Smith, charging him with neglecting his duty as a Judge and introducing political topics into his Charge to the Grand Jury. As originally introduced, Mr. O'Connell's Motion was made with a view to the removal of Baron Smith from the Bench, and was so expressed. But, at the suggestion of the Government of the day—Earl Grey being then Prime Minister—Mr. O'Connell limited his Motion to one of inquiry. The Government supported the Motion so limited—Mr. Stanley, afterwards Earl of Derby, and Lord John Russell speaking in its behalf, though the former said he should have voted against the Judge's removal from the Bench, and the latter said he did not think the charges, even if proved, would authorize an Address to the Crown for his removal. On the other hand, Sir Robert Peel opposed the Motion because, he said, to subject a Judge to such an inquiry would be to destroy his independence, and lower his dignity; and he maintained that there was no middle course between petitioning for Baron Smith's removal and leaving his conduct free from imputation. To this Lord Althorp—then the Leader of the House of Commons—replied, by asking—

> "Would it not be a great evil, if a Judge were allowed to make any charge, or conduct himself in any manner that he pleased, short of taking a course that would justify an Address for his removal, and yet be liable to no censure?"

The Motion for a Committee was carried by a majority of 167 to 74, but on a second discussion this was rescinded—the Government being beaten by 161 to 155. He (Mr. Pim) did not pretend to claim this case as a precedent, so far as the House of Commons itself was concerned, for the Motion had been rejected, though only by a majority of 6; but he did claim it as a precedent as respects the Liberal party, who, if they voted as the Liberal party had done in 1834, must, he thought, support his Motion. He would, therefore, in words similar to those used by Lord Althorp, ask the House—Whether it would not be a great evil, if a Judge were allowed to conduct himself in any manner that he pleased, and yet be liable to no censure unless his conduct was such as to justify an Address for his removal from the Bench? Mr. Justice Keogh had undoubtedly spoken unadvisedly and intemperately, whether the House would recognize it by a vote or not. Everybody in Ireland knew this, though there were some who, he regretted to say, approved of the

Judge's language, and would have approved of it still more if it had been still more violent. If such intemperate language disqualified him, no vote of approval would place him in any better position for administering the law; while the determination not to see—the shutting of the eyes to the plain facts of the case—would greatly increase the distrust with which the House of Commons was regarded by a large portion of the people of Ireland. There was in the eyes of political partizans no greater political crime than that of taking a moderate view of any subject on which public feeling was much excited, and in Ireland especially the number of moderate men was very small. It was, therefore, no surprise to him to find that his Motion was strongly denounced by both parties. *The Dublin Mail* — the excitable exponent of high Protestant principles—had described his (Mr. Pim's) conduct as "ineffable meanness;" and *The Freeman's Journal,* the organ of the Liberal or Roman Catholic party, had characterized it as "offensive to the honest enthusiasm of the Catholic population," and "insolent dictation as to what should satisfy them." Both of these journals had implied that it would be useless for him on any future occasion to seek the suffrages of the electors of Dublin. Now, he esteemed the honour of a seat in that House as much as most men, and he thought he showed that he did so by his attention to its business; but he would not stoop to maintain the proud position he now occupied by pandering to the excited passions of the day from whichever side they might be pressed upon him. He had referred to the comments of the Press to show that the matter was looked upon in Ireland as a question of religion. *The Freeman's Journal* said that the Catholics "would not acknowledge his leadership"—and, certainly, he never had any idea of becoming a leader of the Roman Catholic party; he knew there were plenty of men in their own body who were well qualified to fill that position. On the other side, *The Mail* characterized the censure of Mr. Justice Keogh—by one who was not born a Catholic—as "ineffable meanness." Both looked upon it as a quarrel of the rival religions, and expected every Roman Catholic to take one side, and every Protestant the other. One party, for mere words spoken unadvisedly, passionately, and, most unfortunately for his country, sought to degrade from his position a Judge against whom no corrupt motive was even suggested. The other exalted him as a hero, entitled to the highest place of honour, because he had clothed a judgment—which every other Judge on the Bench would have given—in words of personal invective which no other Judge would have used. He trusted the House would not give a triumph to either of these two extreme parties. It ought rather to endeavour to strengthen that small, but he hoped increasing party, which was not composed exclusively of either Roman Catholics or Protestants, but embraced those men of both religions, who tried to get rid of these wretched sectarian squabbles, and to look to the general good of all—who, having succeeded in doing away with Protestant ascendancy, were determined, as far as lay in their power, to prevent any other ascendancy from being established in its place; and who asked only for even-handed justice to assist in welding together the discordant elements of Irish national life. In conclusion, he would only say that it was painful to him to propose a Resolution which appeared like a personal attack. He had no personal feeling against Mr. Justice Keogh, but he had felt it to be his duty, in the position which he occupied, to express his opinions on the subject clearly and openly. The learned Judge must surely, on calm reflection, be well aware that he had spoken unadvisedly—that he had been guilty of a grave indiscretion. He (Mr. Pim) had felt bound, on public grounds, to enter his protest against his language; but he certainly did not want to drive him from the Bench. The House ought to recognize the facts as they stood, and express its disapproval of the language used by Mr. Justice Keogh; but further they ought not to go. Believing this, he begged to move the Amendment of which he had given Notice to the Motion of the hon. and learned Member for Limerick.

Amendment proposed,

To leave out from the word "House" to the end of the Question, in order to add the words "regrets that Mr. Justice Keogh, when delivering Judgment on the Trial of the Election Petition for the County of Galway, allowed himself to diverge into irrelevant topics, and to make use of intemperate expressions and language inconsistent with the dignity which ought to be maintained by a Judge, and therefore calculated to lower the character of the Courts of Justice in the estimation of the people of Ireland; but, on reviewing the whole circumstances, this House does not think that the case calls for any action with the view to the removal of Mr. Justice Keogh from the Judicial Bench,"—(*Mr. Pim*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. P. J. SMYTH: I hope, Sir, without trespassing much on the patience of the House, and without entering into details of the evidence, to establish the proposition that Mr. Keogh went to Galway ostensibly as a Judge to try a Petition, but in reality as a conspirator against the rights and liberties of the people. On the 13th of March a Motion was made before him in the Court of Common Pleas, Dublin, for a bill of particulars in the matter of the Galway Petition. The almost invariable practice has been to grant such bill of particulars. Upon this occasion the application was refused. The application was founded on the affidavits of Mr. Higgins, a solicitor of eminence in the county, and Mr. M'Donnell, the most extensive merchant in the province. The affidavits of these gentlemen were encountered by those of the Marqness of Westmeath and Sir Thomas Burke. The evidence on both sides was documentary. Mr. Keogh, in delivering judgment, said—

> "It would be ridiculous to waste time in saying to which he attached most importance."

That is, to the affidavits of the solicitor and the merchant, or to those of the Peer and the Baronet. That occurred nearly three weeks before the trial, and thus early Mr. Keogh showed his hand—showed that the only evidence to which he was disposed to attach any importance was that of the nobility and gentry of Galway. On the 13th December the gentlemen of Galway (Peers and commoners) met in Loughrea. Not alone the frieze-coats and the shopkeepers, but the priests were excluded from the meeting. They declared that the right to nominate a candidate for the county belonged to them, and to them alone; and they did accordingly nominate the hon. and gallant Gentleman who, by grace of the Common Pleas, sits in this House as Member for Galway. When they took this step they knew that by force of landlord intimidation alone could their nominee hope to succeed, and that intimidation they then and there confederated and conspired to bring to bear upon the election. Sir Thomas Burke was chairman, and upon that very day, with the knowledge and sanction of the landlord-candidate, with the knowledge and sanction of Lord Clanricarde, and in presence of the noblemen and gentlemen who had attended the meeting, he distributed, broadcast with his own hand, the document known as the Loughrea manifesto. Two short passages will sufficiently indicate the character of this document—the production of the chairman, and circulated by him with the sanction and approval of the gentlemen—

> "I now express my hope and confidence that none of my tenants will vote against my will for any candidate."

Sic volo! Notwithstanding, the Land Act, the merits of which I fully recognize, there is still a numerous portion of the Irish tenants for whom obedience to the will of the landlord is a matter of life or death. Tenants in such a position could construe the words "I will" in one way only—as an imperative command. The document concludes thus—

> "Recollect that, the election over, the only person you can expect any favour from is the landlord, or his agent."

Do not these words imply a distinct threat? The Loughrea manifesto was not the individual act of Sir Thomas Burke—it was the act of the meeting through its chairman, and it was an act of undue influence. The Loughrea manifesto was no idle threat. Lord Clanricarde spoke at the meeting, pledged himself to support in the same way as the other noblemen and gentlemen the landlord-nominee, and became a party to the conspiracy. Before the election he canvassed with his agent for Captain Trench, and the election over, he took his noble revenge by adding 25 per cent to the rents of tenants who had voted for Nolan, and withdrawing his custom from the tradesmen of Portumna, who had the audacity to disregard his will. The rents at which the lands had been let is immaterial to this inquiry—it is sufficient to know that the rents were raised and the custom withdrawn in consequence of the votes. Was the conduct of Lord Clanricarde becoming a Peer of the realm and Lord Lieutenant of the county? If it were not, then condemn the Judge who, instead of censuring, applauds it, and in a spirit of ermined toadyism consoles the poor tenants of the mountain district and the tradesmen of Portumna by irrelevant and fulsome eulogies of the lineage of the Clanricardes. Mr. Lynch Staunton was not at the Loughrea meeting; but he was informed of the determination of the gentlemen, and he identified himself fully with the proceeding; and Mr. Lynch Staunton addressed a letter to his tenants [which the hon. Member read], in which he expressed his disappointment that his tenants had refused to oblige him, and spoke of the difference their conduct would produce when in future they required his assistance. I say that letter of Mr. Lynch Staunton is a threatening notice, an act of undue influence, and that the Judge who, instead of reporting him to this House, approves his conduct, stands condemned. The cases I have cited establish, I contend, my proposition that a combination, a conspiracy, was entered into at Loughrea to carry the election, if possible, by means of landlord intimidation. All the conclusions arrived at by that meeting Mr. Keogh adopted, all its utterances he approved of, and every act done in pursuance of its resolve, he applauded. Upon the landlords he bestows the slaver of his tongue, and reserves for the priests the venom of his tooth. I might go through this Judgment page by page and find in almost every sentence an outrage upon truth and decency. A majority of this House may, perhaps, retain this man upon the Bench, but no human power can cause him to be accepted as a Judge in Ireland. He quotes resolutions adopted at a meeting of priests of the deanery of Tuam, on the 27th September, Dr. MacHale in the chair; and similar resolutions adopted by the clergy of Kilmacduagh on the 6th November, and the clergy of Galway on the 16th. The resolutions will be found at pages 9 and 10 of the Judgment. He quotes them and then indignantly asks (page 13)—

> "Well, what do the right rev. Prelates mean when they attribute the whole of this contest to the Loughrea resolutions, which, as I have said, were not passed until the 13th December, until, as I say, every avenue of the Constitution, had been closed by ecclesiastical resolutions?"

Are resolutions to be deemed unconstitutional because they are what he terms ecclesiastical—that is, adopted by ecclesiastics? The question for the House is—are the resolutions in themselves legal, constitutional, and proper? Read them—they are there. If they be, then the language of the Judge in reference to them is illegal, unconstitutional, and improper. But, oh! the Judge says, these resolutions were adopted previous to the Loughrea meeting. So they were, and were it not for that meeting, the action of the clergy would have been limited to the adoption of these simple resolutions. At that meeting the cry was raised of "No priestly dictation—no priestly interference;" and then the priests felt that it became for them a religious duty to maintain the position which, with the full sanction of the people, they have always held in Irish politics, and which they have always used in the interest of the peace and well-being of society. For their action in the Galway election they require no vindication at the hands of a Catholic Member. They did their duty, and the people will stand by them now. Prosecute—place Galway and Tuam in the dock, with their Brother of Clonfert, and, like the helmet of Navarre, the mitre of the West will be the oriflamme of the nation. At the present moment, Mr. Keogh, going under Her Majesty's Commission of Assize, is accompanied by soldiers, police, and a battalion of detectives. His progress contrasts strangely with that of another Judge going to administer justice 100 years ago. That was Sir Richard Aston, Chief Justice of the Common Pleas. Some of the southern counties were convulsed by an outbreak of Whiteboyism, occasioned, according to the testimony of Edmund Burke, by the cruelty and oppression of the dominant faction, the Beresfords of that day—

> "Fortunately, says Plowden, for the country, Sir Richard Aston, Chief Justice of the Common Pleas, was sent down upon a special Commission, to try great numbers of these rioters; and so well satisfied with the impartiality of his conduct were the inhabitants of those parts, that, upon his return from Clonmel, where they were tried, he had the satisfaction of seeing the road lined on both sides with men, women, and children, thanking him for the unbiassed discharge of his duty, and supplicating Heaven to bless him, as their protector, guardian, and deliverer."

He had actually sentenced several of the peasantry to death; but the people then, as now, reverencing above all things justice, felt that he had done his duty, and held the scales with impartial hand. Therefore they blessed him. If Mr. Keogh——

MR. SPEAKER: I am sure that it is through inadvertence that the hon. Member has more than once spoken of Mr. Justice Keogh as Mr. Keogh. I must call upon the hon. Member to speak of the Judge as Mr. Justice Keogh, out of respect, if not for the man, at all events for the office.

MR. P. J. SMYTH believed "Mr. Justice" was the ordinary mode of referring to a Judge, and added that if the curses—["Order"]—or execrations of the people now pursued Mr. Justice Keogh, it was not because he was the embodiment of justice, but because he was the embodiment of judicial corruption and political profligacy.

THE ATTORNEY GENERAL: Sir, I hope that no apology will be required from me for rising thus early to state, as briefly as possible, the course that the Government intend to take on the Motion and on the Amendment. In the few remarks I purpose addressing to the House, I shall endeavour to avoid using any expression that can wound the susceptibilities either of those who admire and respect the utterances of Mr. Justice Keogh, or of those who, like the hon. and learned Member for Limerick (Mr. Butt), think that those utterances are most strongly to be condemned. Because the course already takenn ot by the Government authority, but by a Member of it—a course approved by the Government as individuals, but a course taken by the Attorney General for Ireland entirely irrespective of the Executive Government, and on his own responsibility—seems to mark out for the Executive the duty of absolute impartiality on this occasion. The remarks of the hon. and learned Member for Limerick oblige me to demonstrate to the House that the duty performed by my right hon. and learned Friend the Attorney General for Ireland is a duty cast upon him personally by the wisdom of Parliament, a duty from which he cannot shrink, and which he has no alternative but to discharge as he has discharged it. I regret that the hon. and learned Member for Limerick has repeated a doubt he expressed on a previous occasion, as to the duty cast by the statute upon the Attorney General for Ireland, for his legal reputation stands deservedly high; but a very few words will satisfy any lawyer, and I think any layman, that there is a judicial duty cast upon the Attorney General, and that he has no choice but to discharge it. The matter stands upon portions of the 26th and 27th and upon the 31st and 32nd of *Vict.* The former in its 9th section enacts as follows:—

> "That where an Election Committee has reported to the House that persons named by them have been guilty of bribery or treating, and where it appears by the Report of any Commission of Inquiry into corrupt practices at any Election, and laid before Parliament, that certain persons named by them have been guilty of the offences of bribery and treating, and have not been furnished by them with certificates of indemnity, such Report and the evidence taken by the Committee shall be laid before the Attorney General, with the view of his instituting proceedings against such persons, if the evidence should, in his opinion, be sufficient to support a prosecution."

By Chapter 125, Section 3, intimidation or undue influence is made a corrupt practice, and the 3rd section enacts that corrupt practices shall mean bribery, treating, or undue influence, or any of such offences as are recognized by Act of Parliament or the Common Law of Parliament. The 16th section enacts

> "That the Report of the Judge in respect of persons guilty of corrupt practices shall, for the purposes of the prosecution of such persons, in pursuance of Section 9 of the 26th of the Queen, have the same effect as the Report of an Election Commission, that certain persons have been guilty of bribery or treating."

The purport of these combined sections is that the Report of a Judge under the new Act shall have the same effect in putting the Attorney General in motion as the Report of a Committee would have had—namely, that he should decide for himself whether there was or was not, ground for prosecuting the persons named. It is therefore due to the House, and due emphatically to my right hon. and learned Friend the Attorney General for Ireland, and due also to the cause of justice, that there should be no question upon this subject; that it should be known that what has been done has been so done in the exercise of the judicial duty imposed by Act of Parliament, with which no one has to do, so far as responsibility is concerned, but the Attorney General, either of England or Ireland, or, in a Scotch case, the Lord Advocate of Scotland. And although it is perfectly true that as individuals the Government approve of what has been done, they could not, and they did not, interfere by counsel or suggestion, directly or indirectly, with that exercise of judgment, for which my right hon. and learned Friend, with characteristic generosity, has assumed the entire responsibility. That being the state of the case, what is it that the Motion of the hon. and learned Member for Limerick invites us to do to-night? He has admitted with perfect fairness—as might be expected from him, that the Motion which he now presents is but one of a series of Motions technically connected; that it is but a step to the result he desires to arrive at; that it is but one link in a chain, and that if we are committed to the first of these Motions, everyone who votes for it will of necessity be committed to the rest. [Mr. BUTT: No!] Why, there can be no meaning in going into Committee of the Whole House to inquire into the conduct of Mr. Justice Keogh, unless we are prepared in that Committee to come to the conclusion that Mr. Justice Keogh has been guilty of conduct which—if he has been guilty of it—I perfectly admit would justify the further step that we should address Her Majesty to remove him from the Judicial Bench, to which he would have ceased to be an ornament, and of which he would have become a disgrace. Therefore, in discussing this matter—at all events, on the 25th of July —we must look through technical forms to the sense and substance of the matter; and everybody who votes for the Motion of the hon. and learned Member will vote in fact for an Address to remove the learned Judge from the Bench of the Common Pleas of Ireland. No fair man can deny that that is the legitimate result of the Motion before the House; and that if argued at all, it must be argued on that understanding. Then, how with regard to the Amendment? As to that, I must say, with all respect for my hon. Friend the Member for Dublin (Mr. Pim), that the Amendment, in my opinion, is much worse. If Mr. Justice Keogh be guilty of what the hon. and learned Member for Limerick has imputed to him, then in a straightforward manner remove him; but do not do that which seems to be ten-fold worse —that is, censure without removing, humiliate without punishing, keep the salary of the Judge, and deprive him of all present weight and future respect. Yet, that is the effect of the Amendment of the hon. Member for Dublin. And whatever may be said—and I trust I shall be able to show that very little can be said—for the Motion of the hon. and learned Member for Limerick, in my opinion, nothing whatever can be said in favour of the Amendment with which the hon. Member for Dublin has endeavoured to replace it. These are the two courses presented respectively by the Motion and the Amendment; and to neither of these courses can the Executive Government of this country consent to be a party, for reasons which I will, as shortly and as clearly as I can, explain to the House. The first answer that the Government present to the proposed courses is this—The Attorney General for Ireland has announced in his place that he has determined upon a course of prosecutions. He has stated that four-and-twenty persons are, in his judgment, sufficiently affected by the evidence laid before the Galway Election Judge to justify him, as Attorney General for Ireland, in putting those persons upon their trial for having been guilty of undue influence at the late election. Now, Sir, to the conclusion of my right hon. and learned Friend I was a party. He has taken the responsibility upon himself—in truth, merely taking upon himself, like a man, what the law has cast upon him; but whatever small responsibility—and it is very small—may belong to anyone who has concurred heartily in the Judgment, I, for one, am prepared to undertake. And having undertaken that responsibility, and being of that opinion, I think the House will see that there are reasons why I, at least, and why all who concur with me in that opinion, cannot but say "No!" to any of the propositions put before us to-night. And, further, the Government of the country as individuals, although they as individuals could not affect the judgment of the Attorney General—and it would have been wrong for them to suggest to him what conclusion he should come to—and although this conclusion is not a political, but a judicial conclusion, yet they assent to it and approve of it, and therefore I think I shall be able to show very good reasons why they also can be no party to either of the Motions put before the House. What is it that the assent of the Government implies? It implies that, in the discharge of the duty cast by the Legislature upon the Judge who has performed it, and on whose Report the action of the Attorney General has been taken, acts deserving of censure have been committed by the Judge. I will not embark the House in any long legal discussion, but it is essential to a right understanding of the case that the House should see what it is which the law has cast upon the Judge, what duty it is that the Judge has discharged, and what duty it is that the Government has assented to, and what conclusions it has adopted. The House knows very well that the 31 & 32 *Vict.*, a statute passed when right hon. Gentlemen opposite were in office, transferred the jurisdiction upon the subject of Election Petitions from Committees of this House to the Judges of the Superior Courts of Law at Westminster and Dublin, and the Courts of Session in Scotland. By the 11th section of that Act Election Petition inquiries are to be conducted by the Puisne Judges of the Superior Courts of Common Law, and by the 13th and 14th sub-sections of that section, this is what the learned Judge has to report to the House, and upon this the action of the Attorney General in substance is to be taken—

> "At the conclusion of the trial the Judge who tried the Petition shall determine whether the Member whose return or election is complained of is returned or elected, or whether any and what other person has been duly returned and elected, or whether the election is void; and shall forthwith certify in writing such determination to the Speaker, and upon such certificate being given, such determination shall be final to all intents and purposes."

The 14th sub-section enacts—

> "Where any charge is made in an Election Petition of any corrupt practices"—and corrupt practices now include intimidation and undue influence—"having been committed at the election to which the Petition refers, the Judge shall, in addition to such certificate, at the same time report in writing to the Speaker as follows:—Whether any corrupt practice has or has not been proved to have been committed with the knowledge or consent of any candidate at such election, and the nature of such corrupt practice: secondly, the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice."

The law, therefore, has cast upon the Judge the duty of reporting to the House of Commons, through the Speaker, the names of any persons whom he finds on the trial to have been guilty of intimidation or undue influence; and, as I have already mentioned, the 16th section enacts that the Report of the Judge in respect of persons guilty of corrupt practices shall for the purpose of prosecution be laid before the Attorney General. That is the state of the law; that is what the Judge has done; and that it is which we are called upon to review. Now, Sir, what have we done? We have in large and substantial measure assented to the conclusion of the learned Judge. The hon. and learned Member was wrong in stating that the learned Judge only reported 20 persons. [Mr. BUTT: I said 36.] Yes, he reported 36 in the 1st Schedule, as having been guilty of undue influence; and he reported in the 2nd the names of 20 of the same number of persons as having been guilty of a peculiar form of undue influence—namely, denunciation at the altar. What is the substance of the Report, to which we must have assented? It has been reported to us that the priests have been guilty of conduct and practices which it is impossible to defend. I do not wish to enter into the question of motive or of provocation. They may have had the best motives and the strongest provocation. It is enough that we have assented to a certain extent to the Report of the learned Judge, after a careful perusal of the evidence. The conclusion at which we have arrived is, that the priests have abused their sacred functions; and that they have so mingled up things secular and profane with their highest duties as to bring discredit on the religious communion to which they belong, and have even disgraced Christianity itself. Apart from all technical and legal formalities, that is the substance of the learned Judge's Report, and that is the substance to which, at all events, in substance, the Law Officers and the Government, as far as they have read the evidence, have assented. That being the case, it must be remembered that if the evidence before the learned Judge justified or warranted him in coming to such an opinion, it was his clear duty to report it. He has reported it, and I, who fill the office which I occupy, acting in unison with my Colleagues, have, with the most earnest desire for impartiality, and without any interest in the matter, concurred in the conclusion to which the learned Judge came, at least to the extent to which my right hon. and learned Friend has gone in the prosecutions which he has announced. If that be so—if that is the substance of what the learned Judge has reported, and if the Law Officers of the two countries and the Government assent to that, with what face and with what respect to our character could we accept either the Motion of my hon. and learned Friend the Member for Limerick, or the Amendment of the hon. Member for Dublin? It would be impossible. Now, let me point out what it is that the learned Judge has found. It was his duty not only to find the facts, but to pronounce upon the evidence submitted to him, which has likewise been laid before this House. Is the House, is any Member of the House prepared to differ from his finding on that evidence? It is true that the Court of Common Pleas had not the evidence before them, they had merely the statement of the learned Judge; but, having that, they were bound to take the statement of a member of their Court as true and conclusive upon the facts. We have therefore found that 23 or 24 persons are liable to prosecution, and to that extent we have assented to the verdict given by my hon. and learned Friend the Attorney General for Ireland, and acting upon that decision, it will be our duty to bring them to trial. Who were the members of the Court of Common Pleas? I put out of sight Mr. Justice Keogh, the gentleman chiefly interested, because his conduct is the subject of inquiry, and the Chief Justice, who differed from him, for whom I have the highest respect. Then there are Mr. Justice Morris and Mr. Justice Lawson. The latter learned gentleman has not very long ago left this House, and I can appeal confidently to all who knew him whether his character, judgment, and general conduct did not commend themselves even to those who politically differed from him. Well, Mr. Justice Lawson assents to the Judgment of Mr. Justice Keogh, and in what language does he describe the character and conduct of those persons against whom the prosecution is to be instituted? Mr. Justice Lawson says—

> "In order to come to a sound conclusion on these points it is absolutely necessary to consider the character of the acts done by Captain Nolan and his agents. I say, emphatically, they were criminal acts. I am not at liberty, sitting here as a Judge, to gloss over those acts, and to say that they were the result of indiscreet zeal or mere breaches of decorum. I feel myself bound, even at the peril of giving offence, to designate them by their true name as crimes, and those engaged in them, whether lay or clerical, as criminals engaged in an unlawful combination."

That is the language of Mr. Justice Lawson, dealing with facts which, at all events, as regards 24 persons, the Law Officers of the Crown believe to have been rightly found by the learned Judge. That being so, the hon. and learned Member for Limerick has not fairly described the issue between us, when he says that because the Law Officers have not seen their way to advising that prosecutions should be instituted against every one of the persons named in the Judgment of Mr. Justice Keogh, therefore that Judgment is wrong. The reason for the difference is obvious. The point before the Law Officers and before Mr. Justice Keogh is perfectly different. My hon. and learned Friend knows well, no man better, that in the case of an Election Inquiry conducted by a Judge, the rules of the Common Law evidence are frequently, and for the purposes of an Election Inquiry, most properly overborne, and that a great many things are receivable in evidence before an Election Judge which are not receivable before a Criminal Judge and a criminal jury. My hon. and learned Friend knows that strong points against individuals may be extracted in cross-examination from themselves before an Election Judge, and that no evidence is stronger. Every man of common sense knows that though the evidence which a man gives against another may be suspected, that which he gives against himself cannot. Therefore, Mr. Justice Keogh, who had a number of these persons cross-examined before him, and whom he himself subjected to cross-examination, might very properly have come to the conclusion that A, B, and C should be reported as guilty to the House. But my hon. and learned Friend knows very well that by the express operation of the statute all evidence of that kind is excluded from the consideration of any other Court. Therefore, the question before my right hon. and learned Friend the Attorney General for Ireland and myself was whether, apart from a great deal of the evidence which was before Mr. Justice Keogh, these persons could or could not properly be sent before a jury; and, therefore, the hon. and learned Member has overstated the case when he mentions the number of those who have been reported and those whom it has been found necessary to prosecute, and draws from that the conclusion that our judgment and the Judgment of Mr. Justice Keogh are irreconcilable. The plain fact is, that there is no necessary contradiction between the Judgment of Mr. Justice Keogh and the action of the Government. But I am not contented to let the case rest there. Supposing, for the sake of argument, that the four Law Officers of the two countries had come to a different conclusion from that arrived at by the learned Judge, it does not necessarily follow that the Law Officers were right, and that Mr. Justice Keogh was wrong. But allow me to assume that Mr. Justice Keogh is wrong, and even then you cannot say that because the number of persons reported are not prosecuted, there is any feasible ground for this Motion. If the hon. and learned Member for Limerick could show that the Judge was corruptly and perversely wrong—that he had gone wrong without the shadow of a pretext—then he and his supporters would have something tangible to say for themselves. If he rests his case on that, then, indeed, he has something to say for himself; but the hon. and learned Member has not attempted to make that out.

MR. BUTT: I most distinctly rest my case on this—that Mr. Justice Keogh went perversely wrong, and avowed that amount of wrong on partizan grounds.

THE ATTORNEY GENERAL: If he says he said so, I have no doubt of the fact, only I did not hear him. It is enough for my argument, however, that he did say so. I am far from saying that the statement is not worth what it is worth; but it would have been more conclusive to my mind, if the assertion had been proved by some examination of the evidence, and it had been shown that the evidence really bore out the conclusion at which my hon. and learned Friend has persuaded himself to arrive. I have pointed out where in substantial measure we have concurred with the learned Judge; but even where we do not concur with him, it does not follow that we differ. But supposing we have differed, it does not follow either that there is any cause for this Motion; because every day the best of men will arrive at totally different conclusions on matters of fact in controverted questions. The hon. and learned Member for Limerick, in fact, has quoted only a number of passages from the Judgment, and not from the evidence that produced that Judgment and has invited the judgment of the House on the gravest possible question that could arise—a question—namely, relating to the character and conduct of a learned Judge. I must observe that this is a somewhat new inquiry upon which the House is asked to embark, and I earnestly hope that what may be done directly will not be done indirectly. This is not a question whether the Court of Common Pleas came to a right decision. It is a very different one, though if that were the question, I will admit there would be a great deal to be said. But this House is not a Court of Appeal from the judgments of the Law Courts, and it has plenty to do without sitting in judgment on such appeals. Therefore, what the Government wish not to do directly, they will not do indirectly. The case which the hon. and learned Member has brought before the House is one of fault, of taste, of feeling, of temper rather than anything else. If this were a case in which I thought the faults of temper were such as to lay a fair ground for a Motion for the removal of the learned Judge, then I grant it would be necessary to go into it, and however repulsive the duty cast upon me I should discharge it to the best of my ability. But I have shown that substantially the Government agree in the conclusions at which the learned Judge has arrived, and therefore there is no case for the grave course of removing him from the Bench. If the House is with me on this point, I trust it will be with me on the further point—that the taste, the feeling, the temper of a Judge are not matters for the House to criticize. I protest against being dragged into an opinion about certain passages in a voluminous Judgment, which may or may not be open to the censure of the House. I am giving no opinion. I decline to give any opinion, favourable or unfavourable, on such a question, and I am glad to be relieved from it. ["Oh, oh!"] I repeat that it would be a most unpleasant duty, and I am thankful to be relieved from it. When, however, we have assented to the substantial conclusions involved, it is not for us to measure very accurately in the scales of judgment the language in which they were expressed. One man may have the power of expressing his views in more measured language than another, and when this can be done, whether in England or in Ireland, it is fortunate. But in every case of this kind fair and equal justice should be dealt out. A word only as to the Amendment of the hon. Member for Dublin, which states that Mr. Justice Keogh has been betrayed into irrelevant topics and intemperate expressions, and has, therefore, lowered the dignity of the Bench. I confess to 25 years' experience of the English Bar, but though I have often heard "irrelevant topics" introduced, and "intemperate expressions" used, I have not heard that justice was brought into contempt. I may say that we are sometimes called upon to submit to undignified and egotistical displays, and to unmannerly interruptions; but we comply, knowing that justice is substantially incorrupt. We know that when a man becomes a Judge, he does not lay aside all the frailties of the flesh; but we know the high standard which such a man sets before himself, and we expect him to discharge his duties in the best manner he can. No doubt, many of us have to submit to things that we do not like; but we have the knowledge that justice is administered fairly and incorruptly, whatever may be the faults of expression. In fact, it is matter of national glory that our administration is so incorrupt. It is impossible for the Government to lend their assent to the Motion of the hon. and learned Gentleman (Mr. Butt); and still less is it possible for us to support the Motion of the hon. Member for Dublin (Mr. Pim), which would send forth the learned Judge branded by the censure of the House of Commons as a man unfit to discharge the gravest and most important duties which can be committed to human hands.

Mr. JAMES: I am sure, Sir, there will be much concurrence in the feeling that all of those who take part in this debate impose a difficult and responsible task upon themselves. We are asked by the Motion before us to place in review the decision of a Judge; we are asked so to review that decision without any opportunity of observing the demeanour, manner, or hesitation of the witnesses before him; and we are invited, from the result of that review, to come to the conclusion that that Judge must have been so dishonest in his Judgment as to be not only deserving of censure, but also of degradation. I had expected that the hon. and learned Member for Limerick, who introduced the Motion with rare moderation, would have attempted to produce some precedent for the Resolution he has placed before us. But no such attempt has been made, for the good reason, as I believe, that the precedent is not to be found. A Judge doubtless may be removed from his office for corruption; may be, even for violent partizanship or flagrant political bias; but who suggests that Mr. Justice Keogh is corrupt? It is admitted that in such respect he is without fault. A partizan? For whom, and for what? He was a Catholic condemning Catholics; a Liberal censuring Liberals. On what ground, then, does this charge proceed? Allusions have been made to-night to private character, and I am told that further reference will be made to the same subject. I cannot, and will not, attempt to deal with such topics. The good taste of this House will dispose of them. For more than 15 years Mr. Justice Keogh has sat upon the Bench. He has tried many Election Petitions; he has exercised those judicial functions uncensured and unchallenged. When he unseated a Member for the City of Dublin, and by the effect of his judgment disfranchised the freemen of that City, the journals which now censure him praised him as a man eminently fitted to perform his judicial duties. When on the trial of the Galway Town Petition he decided that priestly intimidation had not been proved, and that the sitting Member had been duly elected, how loudly was it proclaimed—"What a wise Judge is this; with what judicial calmness he exercises his judicial functions!" Recollecting that those things have been, I must leave it to the good feeling of hon. Members, whether they deem it right when discussing this Motion, to refer to matters long past, and which can have no connection with the matter which is before us. For my own part, I shall discuss but one question, and that is, whether in the main the learned Judge was right or wrong in the Judgment which he gave? and to that question I make answer and say he was right. I charge the Roman Catholic clergy of the county of Galway that they, with plot and plan, with premeditation and consideration, determined to usurp and seize upon the representation of that county, to the exclusion from the free exercise of the franchise of its electors; and that they, so determined, with the knowledge and full assurance that when they did so, and in the doing of it, they would contravene the common law, break through the express enactment of a statute, and set at defiance the rules and ordinances of their own Church. To support such a charge which ought not lightly to be made, I must ask permission of the House to refer to the evidence which was brought before the learned Judge. Previously to the election of February, 1871, Captain Nolan was a candidate in opposition to the present Member for Galway County (Mr. Mitchell Henry). At that time, the Archbishop of Tuam, representing the Roman Catholic clergy, interfered and issued his fiat, which was to determine the election. He bade Captain Nolan go. He bade the hon. Member stay. In a letter written by Captain Nolan upon his retirement, he said—

> "At the request of his Grace the Archbishop of Tuam I have withdrawn from contesting the seat vacated by the resignation of Lord Burke. I return my most sincere thanks to all those friends who had promised me their support, and assure them that, up to the eve of the nomination day, every preparation had, on my part, been taken to render the contest a success; but, as a Catholic, I have considered it my duty to retire for the present, at the request of the great Prelate of the West. Knowing, from a personal canvass, that the principles contained in my address are those held by the vast bulk of the electors, I will, at the next opportunity, confidently seek your suffrages."

At the bidding of the Archbishop, Captain Nolan thought it his duty to retire; by that retirement the hon. Member for Galway County avoided a contest and became the sitting Member. I regret so few Members should have had an opportunity of hearing the violent and abusive speech made by that hon. Gentleman to-night. He is an hon. Member who doubtless possesses many virtues—amongst them, gratitude certainly has been conspicuously shown this evening. If the Archbishop had bidden Captain Nolan to stay and the hon. Member to go the House would not have heard a speech in laudation of the infallibility of the Church of Rome—in praise of the moderate conduct of the priesthood—nor charges of base and dishonest conduct made against Mr. Justice Keogh. Who can doubt but that the hon. Member is indebted to the Archbishop of Tuam for his seat as much as Captain Nolan owes to him his failure then to obtain it? But Captain Nolan did not go empty away. He carried with him a solemn covenant, a promise from the Archbishop to support him at the next election. The hon. and learned Member for Limerick has complained of Mr. Justice Keogh having said that such a covenant existed; but if reference be made to page 731 of the evidence, it will be found that Captain Nolan says in cross-examination that, he retired upon what he called a promise and his Grace called a covenant; and the witness in substance says—"He promised me his support on those terms, that I should submit myself to the award of certain gentlemen, and that I should make restitution for a wrong, which he said, I had done years ago to a tenant who occupied under me." If Captain Nolan be, as doubtless he is, a man of honour and independence, this was a bitter price to pay, and a bitter bargain to make with the Archbishop; but not only was the bargain made, but to some extent, by Captain Nolan, performed. He entered into a submission to arbitration, and then followed the award—now almost historic—the Port-a-Carron Award, by which Captain Nolan was ordered to dispossess tenants who had held for years under him and had done no wrong. In the month of July of last year it became known that Mr. Gregory was about to resign his seat. The Archbishop of Tuam had now to perform his part of the contract and fulfil his promise to Captain Nolan. No one can say he has failed so to do. He was an elector of that county, and therefore the hon. and gallant Gentleman who is now Member for Galway applied to him by letter for his support. With scant courtesy, the Archbishop, instead of addressing him personally, referred him for a reply to the columns of *The Freeman's Journal,* where, on the 26th of July, appeared a letter from the Archbishop, attacking the family of the hon. and gallant Member, praising Captain Nolan for having submitted to the award, and announcing that that gentleman was the candidate of the Archbishop of Tuam. Of course, that had to be scattered broadcast throughout the country; it was circulated in the proportion of one and a-half copies to every elector, and every priest was informed of Captain Nolan having become the chosen candidate of the Archbishop —"the great Prelate of the West." Personally, I have no right to object to clergymen of any Church taking part in election contests. They are citizens and electors. To what extent they, as ministers of the gospel, should enter into the heat and turmoil of such struggles is a question which each one of them must determine for himself. But I do complain, that men who are not electors should hold private meetings, from which the public are excluded, and at such meetings they, acting as clergymen and not as citizens, should combine to dictate to men who are electors how their votes should be given — and this is what the Galway priesthood did. The hon. and learned Member for Limerick has made much play out of the fact that the Judge had divided the county into geographical divisions in dealing with the question before him. It must, however, be remembered that it was the clerical supporters of Captain Nolan, who, for electioneering purposes, so divided the county. In the first place, there was that part of the country which was embraced within the Archbishopric of Tuam, and over which the Archbishop himself presided; then there was the diocese of Clonfert, which was vacant until the appointment of Dr. Duggan; and, lastly, the united dioceses over which Dr. Mc Evilly was the chief. The Archbishop having answered for his own diocese, it became necessary to appeal to the Bishop of Galway, who thereupon gave his promise to support Captain Nolan. At a meeting of the clergy held in the diocese of Galway on the 6th of November, presided over by the Archbishop, violent resolutions were passed which represented Captain Nolan as the candidate of the priests. On the same day Mr. Sebastian Nolan suggested that an aggregate meeting of the clergy should be held, and that suggestion having been adopted by the Archbishop of Tuam, a preliminary meeting was held shortly after, and that was followed by the aggregate meeting of the clergy of all the dioceses in Galway on the 19th of December. Now, it has often been alleged that the action of the priests was entirely to repel the attacks of the landlords upon the independence of the voters. But let the House mark the above dates. All that I have referred to had been effected, except the meeting of the 19th, which had been agreed to and the day fixed, before the landlords had taken any steps whatever in the contest. They met for the first time at Loughrea on December the 13th, and we now know from Mr. Sebastian Nolan and others what had been done before that date. Mr. Sebastian Nolan was admittedly the managing agent for his brother, and the witnesses for the Petitioners spoke to many acts and sayings of his—remark that the counsel for the unseated Member challenged those witnesses to be careful, as Mr. Sebastian Nolan was present, and would be called to contradict them. They, however, persevered in their statements, and Mr. Nolan never made his appearance in the witness box. It is an usual assumption that when a witness can be produced to deny allegations made against him, and he declines to contradict them, that such statements must be looked upon as true; and I ask the House so to regard them. Now, Mr. Peter Blake, a magistrate living in the county, had in his evidence thus described what Mr. Sebastian Nolan stated respecting the state of the county—

"What did he say about the arrangements which his brother had made?—He told me that his brother and himself, I think, had the arrangements nearly complete for the county.

"Did he say anything as to the arrangements which they had made?—Yes, that they had two of the best agents in every parish all over the county, the parish priest and the curate.

"Did he refer to any Bishop?—Yes, and the Bishops, and as they had all the Bishops now that Dr. Duggan was appointed Bishop of a district, they were not very——

"He had been nominated?—He was just appointed?

"Did he say anything as to how the priests would operate with reference to the people?—He did; he told me that the Bishops or the priests would speak a few Sundays before the election to their flocks, and that he was sure he should have a thousand majority, and that they would all vote whatever way the priests told them; something in that way.

"Did he speak of any other influences of a rougher character even than the priests—the mob?—He told me something about having the mobs here and there, and that it would be very hard to go against all that.

"Did he speak of any agitators that were to be imported from the street?—I asked him, I think, who would propose his brother, and I think he said Dr. Mac Hale; and then he said he would have Mr. Butt and Sir John Gray, and Sullivan, and so on, to speak, and I advised him not to have all those fellows. I thought that it would do more harm than good. He asked me, I think, whom I was going to vote for, and I told him D'Arcy; that I had promised Mr. D'Arcy."

I must also refer to another conversation. I do not stay to discuss the taste of gentlemen who make public private conversations; but the evidence was brought before the Judge, who was bound to receive it, and, if he believed it to be true, to act upon it. Mr. Joseph Kelly, speaking of certain observations made by Mr. Sebastian Nolan, replied thus to the questions put to him—

> "State them as fully as you can?—He was talking of the chances of his brother's election. I put them as very small indeed, and he was rating the support which he was likely to have; among others, he mentioned all the Catholic clergy and Bishops. I was differing with him, and told him that I did not think that he had all the Catholic clergy, and that I knew some who had told me that they would not support him, and that one clergyman had stated that nothing on earth would induce him to vote for him.
>
> "Who was that?—The Rev. Mr. Quin, the parish priest of Rusmuck. He then said that his brother was not to be beaten, or that Father Lavelle was not to be beaten; those were the words which he made use of; that men from Westmeath and Tipperary would come into the county and call at the voters' houses, and that there would be such a panic in the country that the landlords would be afraid to go outside their places. I do not purport to say exactly the words which he used.
>
> "Are you clear that he said that the Westmeath and Tipperary men would go to the voters' houses?—Perfectly clear.
>
> "So that the landlords would be what?—That the landlords would be frightened and intimidated by it, and would be afraid of leaving their domains, or something to that effect."

This conversation occurred about the 2nd or 3rd of October. Such was the statement of Mr. Sebastian Nolan in regard to this matter, and in that statement Captain Nolan himself appears to agree. When his counsel sought to suggest that the priests had been roused into action in consequence of the landlords' meeting at Loughrea on December 19th, he seems to decline to accept the suggestion so made, for he gives the following evidence:—

> "Say, up to the 20th of November?—On the 20th of November the priests of the county were generally with me, but there were several exceptions.
>
> "Did you hear it from themselves?—From themselves; there was Father Monahan, Father Hadkin, and Father M'Gough; there were four in the Kilmacduagh diocese, and I think there were at least 12 priests in the county who were not for me; and Father Flanagan, who was for Mr. D'Arcy, distinctly stated that he would support me as against Captain Trench.
>
> "After the meeting of the gentry at Loughrea, did you find that the priests became more friendly?—I never fixed the date so much from the Loughrea meeting; it was partly the Loughrea meeting and partly Mr. D'Arcy's retirement, and they were so involved; they did not make up their minds at the time, as a rule. Mr. D'Arcy practically began to retire a fortnight after the meeting, but he did not retire formally till about the 14th or 15th of January. Some of the clergy went with me after the Loughrea meeting, while Father M'Gough did not promise to support me till the 28th of January, and then I did not hear directly from him, but I understood that he would be in our favour."

Well, on December 19th the aggregate meeting of the clergy took place, and letters were read from the Archbishop of Tuam, and from the Bishops of Galway and Clonfert, all treating Captain Nolan as their candidate, and asking the electors to support him as such; and that he had consented to become such nominee is clear if reference be made to the letter written by the Archbishop in reply to the letter of Sir Thomas Burke. Now, this letter reminds me of the indignation that has been displayed to-night by the hon. and learned Member for Limerick, because Father Lavelle has been reported by the Judge. But what was the principal ground upon which that priest has been censured? It was, because at a public meeting which was held on the 1st of January he had stated that sooner than Captain Trench should be returned he would propose for election Peter Barrett, a man who had been tried for shooting at Captain Lambert; and that he had further used the expression in reference to Sir Thomas Burke, "that he had sounded his own death-knell." That expression was printed in many newspapers, and no attempt was made to correct it until Sir Thomas Burke wrote to the Archbishop to complain of such language being used, when at length it was stated by the Archbishop that "political" had been omitted from the report, and that Father Lavelle had referred to a political death-knell only. I feel, Sir, that I am standing in a very dangerous neighbourhood to-night, and I am particularly anxious to say nothing that may annoy or irritate any of the hon. Members amongst whom I stand; but, admitting that the Galway electors are all their Representative states them to be—pure and noble, surely it is dangerous work for a man possessing Father

Lavelle's influence first to attack and hold Sir Thomas Burke up to execration, and then immediately to talk of any sort of death-knell being sounded. I should have thought a minister who has to preach peace and good-will amongst men had better have avoided such language. Not less violent, however, is the tone that was assumed at the lay meetings, of which there were 13 held throughout the county, and at which the priests took the leading and most violent parts. The accounts of what took place at such meetings are to be found in the newspapers. It was agreed between the counsel at the trial that certain newspapers were to be received in evidence, and the reports contained in them to be regarded as correct. I would remark here, in reference to the argument of the hon. and learned Member for Limerick—that wherever my right hon. Friend the Attorney General for Ireland says that he does not see sufficient evidence to prosecute some of those who are reported that, therefore, Mr. Justice Keogh must have been wrong in scheduling them—that the learned Judge had before him a vast amount of evidence contained in these newspapers which has never been seen by the Attorney General, for by some accident I understand that they have never been placed before him. At all these meetings most violent language was employed. Take, by way of example, the resolution proposed by Father Massey at a meeting held on the 14th of January. It runs thus—

> "And we mark for scorn to all time the recreant and renegade Catholics who in this contest vote with the bigots of Galway county."

Upon the same day the Bishop of Clonfert was consecrated, and on the 17th a meeting of the clergy was held at which the following resolution was passed. It was sent out in the form of a circular, signed by the Rev. John Sellars, but framed and written by the Bishop of Clonfert himself:—

> "Loughrea, January 18, 1872.
>
> "Rev. Sir—I am instructed by the Most Rev. Dr. Duggan to enclose resolutions adopted at the meeting of the clergy here on yesterday. The unanimous desire of the clergy, also, was that his Lordship would request all the priests of his diocese to explain to their flocks, on next Sunday, the rights and responsibilities of the electors in exercising the franchise in the coming election; that it is a trust vested in them for the benefit of the people at large, and not to be used for private or personal purposes, but without fear or favour, according to the dictates of each man's conscience. His Lordship, therefore, expects that, in this crisis, where the intention is explicitly avowed to crush 'priestly dictation'—the parrot cry of the advocates of Revolution and Communism—no clergyman will be found apathetic or indifferent. His Lordship is fully confident that the people will fearlessly sustain the united prelacy and priesthood of this great Catholic county.—I am, Rev. Sir, your obedient servant,
>
> "John Sellars, C.A."

What, then, did this contest degenerate into? It was not a struggle between different political parties, nor between men of different political opinions; neither were Catholics ranging themselves against Protestants. The merits of the candidates, too, formed no ingredient in that struggle; for who could be enthusiastic on behalf of a man who but a few months ago had been denounced as an evictor of tenants, and whose chief merit must have been found in his penitence? No; it was a contest purely and entirely to promote and support the political power of the united prelacy and priesthood against the laity—a power which all free men ought to denounce and attack. See, too, to what lengths this clergy would go in order to carry out their views. At page 514 in his evidence, Dr. Duggan admitted that he had himself preached to the people on the subject of the election in Ballisnasloe parish church, and when asked this question—

> "Then you seemed to think the pulpit and the altar a judicious place from which to propound political opinions during a hotly-contested election?"

his answer was, "Certainly." A witness, describing what occurred on the occasion when this Bishop thus addressed his flock, said that he adverted to the Pope, and stated the position of his Holiness, in which he was interested, and that no person ought to be sent to Parliament unless he would advocate the cause of the Pope, and also—

> "that anathema shall be hurled against any person who will not do as I recommend, or as my clergymen recommend."

My hon. and learned Friend has said that that was the evidence given by a man who was dismissed. Yes, he was dismissed from his position in the Roman Catholic choir for the sole reason that he voted for Captain Trench. Having briefly pointed out to the House some of the leading occurrences at this election, let me endeavour to support what I have stated, that both the law of this country and the ordinances of the Roman Catholic

Church were broken and violated by these acts of the clergy. I am happy to be able to spare the House any attempt upon my own part to state and explain what our law upon this subject of spiritual influence is. I prefer adopting the definition of it contained in a most able judgment delivered by Mr. Justice Fitzgerald when trying the Longford Election Petition. That learned Judge then said—

> "The Catholic priest has, and he ought to have, great influence. His position, his sacred character, his superior education, and the identity of his interests with his flock, insure it to him; and that influence receives tenfold force from the conviction of his people that it is generally exercised for their benefit. In the proper exercise of that influence upon electors, the priest may counsel, advise, recommend, entreat, and point out the true line of moral duty, and explain why one candidate should be preferred to another, and may, if he thinks fit, throw the whole weight of his character into the scale, but he may not appeal to the fears or terrors, or superstitions of those he addresses. He must not hold out hopes of reward here or hereafter, and he must not use threat of temporal injury or of disadvantage, or of punishment hereafter. He must not, for instance, threaten to excommunicate or to withhold the sacraments, or to expose the party to any other religious disability, or denounce the voting for any particular candidate as a sin, or as an offence involving punishment here or hereafter. If he does so with a view to influence a voter, or to affect an election, the law considers him guilty of undue influence. As priestly influence is so great, we must regard its exercise with extreme jealousy, and seek by the utmost vigilance to keep it within due and proper bounds."

This is the judgment of a Roman Catholic Judge, and I think it will commend itself to the good opinion of every one. So much for the law. Let me now show what was the view of the question taken by the Roman Catholic Prelates themselves. Even from that very Bishop who said that the altar and pulpit were the right places from which to make appeals to his flock on political matters the words which I am about to quote were obtained. Dr. Duggan was compelled, during his subsequent examination, to refer to the 19th statute of the Synod of Thurles, of which he himself gave the following translation:—

> "We recall to the mind of all the priests of the country the obligations by which they are bound to expound the mysteries of faith, sacraments, commandments of God, and others appertaining unto religion to the faithful on festival days, but whereas there is danger that those should be neglected if dissertations are given in the churches on foreign and profane business, we rigidly forbid that within the solemnities of the Mass (that covering a great many things) which would be plainly unbecoming, or indecent, or at all ill-judged, there be discourses (I take that to be the meaning of 'agatur' from the 'exponere'), or expositions on matters merely secular; as, for instance, on political elections or other matters of this kind, which might easily promote or excite differences between the pastor and the people, and excite great contention of spirits or minds which (that is the foregoing) however are not to be so interpreted as that there would not be exposition or discussion."

Dr. M'Evilly also, in his evidence, stated—

> "I think it right to say also that there is a strong prohibition against the introduction of men's names, or anything like personality in a church. I consider it to be one of the greatest crimes, and to be a thing that cannot be too severely punished, to introduce personalities, or to denounce persons in a church. The Synod of Thurles said that '*quâcunque causâ,*' they would not allow anybody to be publicly denounced in a church, and I think it right to state publicly that if those gentlemen who complain of irreverence in the churches had come to me, or made a report to me, or written to me on the subject, I would have taken the most summary steps to prevent its repetition."

But could it be supposed that the Bishop of Galway was ignorant of what was occurring for three Sundays in nearly every chapel in his diocese, or that he had no knowledge of what had been done by the Bishop of Clonfert, and of the orders given by that Bishop to his clergy? The House will find from the evidence that Dr. Duggan had ordered those things to be done, and had himself set the example. There was a statement that on the 14th of January—a Sunday—Father Joyce, in Captain Nolan's parish chapel, said that it was with extreme regret he would enter into political subjects, but that on that occasion he was compelled to do so. Another Catholic clergyman also said the same thing—that he was compelled to enter into those questions. There were 150 priests, but, of course, a smaller number of chapels. There was the greatest possible difficulty in obtaining evidence from the flocks of priests who made those political appeals and indulged in altar denunciations. Proof, however, was given in respect to 38 priests; and 16 of them, whose conduct was the most flagrant, when challenged by name, by time, and by the place where they made those altar denunciations, never appeared in the Court-house to deny the statements against them; they remained silent, and allowed judgment to go by default. To prove how the definition of

Mr. Justice Fitzgerald applies, let me show what occurred. Father Loftus declared that any man who would vote for Captain Trench would go down to the grave with the brand of Cain upon him and his children after him; and that any man who would not vote for Captain Nolan was an emissary of the Devil. Father Quin said that any man who voted for Captain Trench should be shunned as if he had small-pox or typhus fever. Another priest said that the finger of scorn should be pointed to any elector who voted for Captain Trench; that he should not be counted worthy of associating with his fellow-parishioners; that woe be to those persons in the parish who dared to give him their votes; that those who voted for Captain Trench would be helping the enemies of the Roman Catholics to keep their feet on their necks, and that Catholics who did that would be sacrificing their eternal salvation. Another said that any renegade Catholic who voted for Trench would be a disgrace to his Church, to God, and to his country, and would go to hell. He added that he would like to have the name of any man who voted for Trench, and that he would not say mass for him during his life. That was a threat of which any hon. Gentleman who was acquainted with Ireland would easily understand the full significance. His parishioners were told by another priest that they were bound to vote for Captain Nolan, and that if they had made promises to their landlords which involved an opposite course of conduct, they were bound to break those promises. Such were specimens of the altar denunciations which preceded the election, and they were conducted on a fixed plan. They lasted for three Sundays—January 21, January 28, and February the 4th, the Sunday immediately previous to the election. During these three Sundays these denunciations were continued, not spoken in the heat of the moment, but systematically repeated week after week. And not only did these altar denunciations continue, but other influences were brought to bear. The Bishop of Galway wrote a letter to Father Shannon on the 20th of January, in which he said—

> "Perhaps it might be desirable that two or three priests, as you may arrange and select at your meeting, would accompany each parish priest or administrator in his parish wherever any doubt exists, in order to prove to those doubters that none of the clergy are apathetic."

I now pass from the time when the denunciations to which I have referred were uttered, which the House will see were part of a scheme. There was a speech of one priest, in which, speaking of Captain Nolan, he said—"if he had not done so he would not be a nominee of Archbishop MacHale." Another asked the electors to vote for Nolan, who was supported by the priests of the four dioceses, with the illustrious Archbishop of Tuam in the van. A third priest spoke of "our Generalissimo, John, Archbishop of Tuam, the lion of the fold of Judah, the Israel of Ireland," adding the expression of a hope that they would not send down his gray hairs in sorrow to the grave. These, then, are the principal facts upon which the House will have to form its judgment. For myself, I have never given a vote hostile to Roman Catholic interests, nor have I the fear of Roman Catholic voters before me. I am sure that such of my constituents who profess that religion will judge me justly. It is the question of their political free action which is most involved. But approaching this question impartially; bringing to bear upon the subject such experience as I have had; having read every question and answer from beginning to end of the evidence, and recognizing the responsibility which falls upon everyone thus expressing an opinion; I say that if I had had to try the Galway Election Petition—if I had been in the position of Mr. Justice Keogh, I would have done as that man did. Strong opinions have been expressed that the learned Judge should have reported some landlords as having been guilty of intimidation. But the relative position of those landlords and tenants must be considered. Through the action of the priests the tenants had set their landlords at defiance; and when insulting letters were written and like language used, there were landlords, such as Mr. Staunton Lynch, who plainly wrote that if their tenants chose to occupy such a position they must for the future regard themselves as controlled by their contracts, and not appeal to the friendship of their landlord. Well, I admit that such letters had far better not have been written, and they certainly might be most severely criticized; but we in England must make allowance for the almost civil war raging between the priests and the landlords; and looking at the circumstances under which those letters were written, I am not prepared to say that any offence has been committed against the 5th section of the Corrupt Practices Act. I have said that I would have done as Mr. Justice Keogh did; but the language of his Judgment I am not prepared to adopt. It would have been far better if some of that language had not been employed. Allowance must, however, be made for the position in which Mr. Justice Keogh was placed. He was an Irishman speaking to Irishmen, striving to make them understand him. Even in England we meet sometimes with Irish Judges who, whilst they discharge their duties most uprightly, use at times a little more eloquence than is deemed necessary. But even taking all this language as it was uttered, much can be justified by the circumstances to which it was applied. Take an example. Especial reference has been made to the fact, that towards Father Loftus the Judge applied the term "a wretch of a priest," and that he had termed another man "an obscene monster." Well, that priest standing on the altar-step—with holy vestment on—during the service, *intersolemnia missarum*, had referred by name to a lady—Mrs. Griffiths. She was a lady of much charity—of many good works. She had sustained a grievous loss, for, one after another, all her children had been taken from her. Speaking of her, this priest deemed it right to say that there was no Mr. Griffiths, only Mrs. Master Griffiths. Referring to her personal appearance, he said that she would wear certain garments only no tailor could make a pair large enough, and then sneered at the loss of children, saying what a pity it was she had no little son left to help her to canvass the voters. Let me tell the House that shortly—but a few months—before this Judgment was delivered, a deep and a lasting shadow had fallen upon this Judge's inmost home—it had lost its light—and if therefore you say that a Judge is to be above all human emotions—that his language is never to be other than coldly and calmly judicial—condemn Mr. Justice Keogh; but let your condemnation be in these words—"He was a man and had been a father." And this same priest stood by a man, one Barrett, and said—"well done, well done," whilst he, at a railway station, in the presence of women, used language so filthy and obscene that none could give it as evidence by word of mouth, and it had to be written down and now appears in the evidence before us. Turn to it, and say if this language of censure by the Judge has not been rightly used. And now I have little more to do than to express to the House my thanks for the extraordinary patience with which it has allowed me so unwarrantably to occupy its attention. My primary duty has not been to defend Mr. Justice Keogh, although I believe that never was a Judge more unjustly assailed. Graver considerations even than the censure of a Judge are involved in this Motion. It is a declaration on behalf of sacerdotal supremacy. And how is this Motion to be met? I turn to those Liberal Members who sit around me; from them the chief opposition should come. There are men here who can recollect the days when many a battle was fought—many a victory gained to the good old cry of "Civil and religious liberty." Those battles must again be joined—not now for the removal of disability—not now for the repeal of penal or prohibitory law—but in order to encounter a combination against the freedom which you won, against the liberty which you gained. So be it. Let this fresh struggle commence to-night; and with what weapon shall we arm ourselves? I have no faith in technical prosecutions—no confidence in the verdicts of Irish juries. No; it is to public opinion, freely expressed, that we must look for the repression of this great power. I know how weak are the words of an individual—but the voice of Parliament is strong; and that voice, speaking in no uncertain sound to-night, finding an echo in the breast of men of every class, of every creed, and of every party, will suffice this proud priesthood to tell and to teach that here, within this realm, no allegiance can be allowed save unto our Sovereign, and no obedience can be exacted except by the law.

MR. MATTHEWS said, the speech of his hon. and learned Friend (Mr. James) had been, in substance, one of complaint that the Archbishop of Tuam and the Catholic clergy of Galway exercised a large and predominant influence on the election which came in question before Mr. Justice Keogh. Nobody disputed that fact; but who would venture to say that that was a matter which the law would consider an offence or which would come within the purview of the statute? It was a social misfortune in Ireland that circumstances had forced the clergy into a position of prominence on political occasions, and obliged them, in spite of themselves, to become leaders on a popular side. When did this clerical action begin? It began in the famous election of Clare. They all, no doubt, recollected the eloquent speech of Sheil, in which he boasted that every altar had been turned into a tribune to return O'Connell at the election for Clare, before emancipation was passed. That was an election which was said to justify the action of the clergy. ["No, no!"] Hon. Members who cried "No!" had never lived under the control of Penal Laws, and did not understand what was the situation of Ireland at that time. It was the great Liberal party which had deliberately fostered and encouraged that action, and for 40 years had cheerfully availed themselves of the clerical influence in political contests. That, he repeated, was a social misfortune in Ireland; but the landlords must bear their fair share of blame for this result. Why had the Irish landlords generally contrived to run counter to the wishes of the people, who had in their clergy their only advisers and leaders? In spite of the prohibition of the Church and the decrees of synods, the Irish priests found themselves the natural leaders of their flocks in political matters. Let it not, however, be for a moment supposed that he wished to justify altar denunciations. They were condemned by the Irish Church itself, and were not only an indecorum, but they subjected the priests who offended to suspension. When his hon. and learned Friend excused the language used by Mr. Justice Keogh on the ground of the natural warmth of his temperament, why did he withhold his excuse from the priests on the same ground? What was the substance of the expressions charged against these clergymen? The substance was this—that if any of their flock voted for Captain Nolan they would be doing wrong and perilling their own souls. Upon that point he contended that Mr. Justice Keogh had strained and perverted the law in a manner that showed gross partizanship. To pronounce such language intimidation was, he thought, going beyond any judgment ever pronounced in a Court of Law. In regard to the giving of the seat to the present hon. Member for Galway, his hon. and learned Friend opposite had endeavoured to cast the responsibility upon the Court of Common Pleas generally. That, he contended, was a mistake; for the decision of the Court of Common Pleas was procured by the skilful manner in which Mr. Justice Keogh had stated the case for them. How could it possibly be suggested that the votes of nearly 3,000 persons had been thrown away? Such a conclusion involved the supposition that those 3,000 voters had a knowledge of the agency of the priests, although many of the circumstances which were held to prove agency were not known until after the election. He could understand the position of the Government as enunciated by the Attorney General for Ireland—that they would pass no judgment upon the Report, but only put it in a train for decision; but the Attorney General for England had put it in a different form, and it was manifest that the Law Officers of the Crown differed upon the point—namely, they endorsed Mr. Justice Keogh's Judgment to the extent of 20 of the cases reported on; but they expressly guarded themselves from being supposed to dissent from that Judgment even in the cases where they did not prosecute. [The ATTORNEY GENERAL dissented.] He (Mr. Matthews) understood the hon. and learned Gentleman to state that he agreed with Mr. Justice Keogh in the cases in which a prosecution was to take place, but that he did not express assent or dissent where prosecutions were not to take place. He (Mr. Matthews) must say he could see very little, if any difference between the two. But whatever it was, he must differ from the Attorney General for England, who had challenged the jurisdiction of the House to review the judgment of the Court of Common Pleas, because the Report of the Judge was only substituted for the Report of an Election Committee, upon which the House had frequently to take action and pass judgment. As, however, he felt he was addressing the House in favour of an unpopular cause, he would not detain it farther than to say it seemed to him a very grave responsibility to allow the continuance in office of a learned Judge whose partizanship was exhibited by the language he used; and it was an equally grave and serious matter to send a Judge to administer justice in a country the majority of the Representatives of which would pass an adverse opinion upon him. It appeared to him that Judge Keogh had stirred up in Ireland the most unhappy kind of strife that could be stirred up there; that by taking the side of the landlords against the priests in the open and avowed—nay, he might say, in the shameless—way in which that learned Judge had done, he had stirred up that kind of strife which of all others was most to be deprecated in Ireland— that of the landlord against the tenant, of Protestant against Catholic. ["No!"] No! Why, what was happening in Ireland? Every day he was on circuit the learned Judge was being burned in effigy by the mob, as they were termed. [An hon. MEMBER: Backed by the priests.] Backed by the priests, if the hon. Member liked it; but there was no evidence of it. The grand jury, on the other hand, were passing congratulatory addresses, and everything was tending towards civil strife. It was in vain to talk of the offences of this Judgment as matters of taste and temper, and for the Attorney General for England to refer to occasional displays of temper on the English Bench. The cases were not parallel; for could they conceive an English Judge delivering such a furious and terrific tirade as that delivered by Mr. Justice Keogh, branching off on almost every irrelevant topic, and exhibiting contempt for that which was respected and considered holy by those he was addressing? A person who had exhibited such partizanship, and who had done all in his power to bring contempt on the administration of the law, and to make himself absolutely unfit to administer justice to that class of people whose feelings he had outraged, ought to be relieved from the discharge of his judicial duties, and for that reason he felt bound to support the Motion of the hon. and learned Member for Limerick.

MR. MUNSTER said, the manner in which the speech of the hon. and learned Member for Taunton (Mr. James) had been received clearly showed the feeling of the House upon the subject; but he (Mr. Munster) thought the hon. and learned Member had committed some of the very faults which he imputed to his hon. and learned Friend the Member for Limerick (Mr. Butt), in bringing forward this charge against Mr. Justice Keogh when he could not be present to answer it. Did not the hon. and learned Member for Taunton pass a most sweeping condemnation on the Archbishop of Tuam behind his back, when he had no opportunity of answering for himself? The hon. and learned Member, moreover, had followed that up by attempting to show that the priests had formed a general scheme of undue influence; but he had altogether failed to do so. The English Executive Government had refused to consider the language and manner of Mr. Justice Keogh, and of that he must strongly complain; for in the sweeping denunciations and attacks that he had made use of, Mr. Justice Keogh had usurped to himself other functions than those he properly possessed. He was a Judge of Election Petitions; but who sent him to Galway to settle the election question? Who constituted him an adviser with regard to the Ballot Bill? Who authorized him to say that the priests disregarded their duties? He called one priest an "insane disgrace to the Catholic Church," and of the same priest he said that the confessional would be used if the Ballot Bill became law. The Irish people looked to that House for justice to be done them in this matter; and he would remind the House that the Judge had stigmatized 3,000 of the electors as brainless and mindless, and they could have no redress except from this House. He therefore entreated hon. Members who were opposed to the Motion before the House—as he found the majority of them were—to bring to the consideration of the matter calm and deliberate argument, and not passionate declamation; for if hon. Members showed an unwillingness to listen to the arguments against them, it would be regarded in Ireland as another proof of English prejudice, and of the indifference towards Irish interests. In conclusion, he would apologize to the House for intruding himself upon their notice, and while thanking them for having listened so patiently to him, premised that he heartily joined in the loyalty to the Queen and the law of which the hon. and learned Member for Taunton had spoken; but if an Englishman, he was also a Catholic. If there was the law of the land there was a higher law which sometimes might not be in accordance with it—namely, the law of God—and proud as he was of his loyalty to the Queen, he should not be truly loyal to her were he not, if there was any apparent conflict between the two laws, to prefer the law of God to that of his country.

MR. PLUNKET said, he was sure the hon. Gentleman who had just addressed the House for the first time need have offered no apology for so doing. He (Mr. Plunket) should not have intruded himself into this debate had it not been for what fell from the hon. and learned Member for Dungarvan (Mr. Matthews), who endeavoured to impress upon the House that a strong feeling now prevailed in Ireland upon this subject, and that the feeling had been aroused by Mr. Justice Keogh. What had really happened in Ireland since the Judgment was delivered? For his own part, he fully shared the concern expressed by the hon. and learned Member (Mr. Butt) who so ably and judiciously introduced this question, as to what might be the result of the debate and division of this evening. Probably there never had been before the present occasion circumstances connected with any election which were so fraught with vital interest. Certainly, never before had any Judge carrying Her Majesty's Commission been made the target of a persecution so pitiless; and now that the House had the opportunity, he hoped it would pronounce its judgment on this part of the case as well as on the other, in no uncertain sound, and in a way that could not be mistaken; because if it were true, as was alleged, that this Judge had acted corruptly—if the passions of the people had been aroused by him almost to a state of frenzy—it was the duty of the House to accept the Motion of his hon. and learned Friend, and remove Judge Keogh from the judicial Bench without delay; but if, on the other hand, Judge Keogh had endeavoured—as he believed he had—to the best of his ability, to perform a most difficult, laborious, and most dangerous duty—if in the stronghold of undue influence he had grappled with and overthrown a powerful adversary—then it was the duty of the House to add to the firmness with which they vindicated his honour, to the zeal with which they repudiated and condemned the treatment he had received. Moreover, the House must remember that Judge Keogh was not only a Judge bearing Her Majesty's Commission. He was also their own deputy, and was sent as their ambassador to try this Election Petition at Galway. In that character he had been assailed, and in that character since his Judgment was delivered his mouth had been closed. If it were true that he had betrayed the trust and confidence of the House reposed in him—that he had tarnished their honour whilst he sacrificed his own—then let him not be spared. If, on the other hand, he had honestly and faithfully performed his duty, then the House ought to extend to him that vindication—long delayed—which he had a right to expect at their hands. But the debate had also given rise to another grave question—going deeper and spreading wider—the question whether the laws of the Queen and the independence of Her Majesty's Judges were or were not to be stronger in Ireland than the influence and the intimidation of the Catholic clergy there? He wished, however, to guard himself from mistakes on this subject. He had no wish at all to disparage the Catholic Church—it was far from his intention to say one disrespectful word of that Church. There were no doubt hundreds and thousands of Roman Catholic clergymen in Ireland, who utterly dissented from the course of conduct which had been pursued by some members of their Body. But what he had to say was this—if there had been scandal brought upon the Catholic Church, in consequence of Mr. Justice Keogh's Judgment at Galway, it was not the fault of the Judge. He defied any hon. Member to lay his finger on any word which Judge Keogh had spoken disrespectful to the Roman Catholic Church, save when he spoke of those whose conduct it was his duty to condemn. Hon. Members had no doubt occasionally seen in the London newspapers short descriptions of what happened in Ireland; but what they had read there was not enough to account for the great excitement which now prevailed in the country. Petitions were showered upon the Table of the House, public meetings were held, violent speeches were made, until it was found necessary to send the Judge on his circuit preceded by a pilot engine, and protected by soldiers and police. ["No, no!"] That was, at least, the case in the early part of his circuit; perhaps he had since been fortunate enough to get into some happier clime. With regard to the question whether all this excitement was due, as alleged by his hon. and learned Friend, to the Judgment delivered by Mr. Justice Keogh, the House must now determine. He would not weary the House by going through all the sickening details of the outrages which had been accumulating for the last few weeks with the purpose of degrading this learned Judge. But it was necessary to show briefly how all this excitement had been worked up. The Judgment had hardly been delivered at Galway when there commenced in almost every parish meetings, attended, he regretted to say, by members of the Roman Catholic clergy, as well as meetings exclusively of the clergy of the various dioceses; and it was an unfortunate circumstance that, throughout this Galway election and all the proceedings that had followed, the Roman Catholic clergymen were made to seem to act as one man, and to stand by one another from the very beginning to the end. And when the House came to criticize the language in which the learned Judge was obliged to speak in reference to their conduct, it ought to recollect that the Judge was not only obliged to prove the guilt of those who were sent to be tried, but also, as far as he could, to overcome the strong conviction which they endeavoured to raise—and to a great extent succeeded in raising—that they were right in acting as they had done. Shortly after the Judgment was delivered a meeting was held in the county of Limerick, attended by Roman Catholic clergymen, and there a speaker referred to the violent end of former persecutors of the Church, and said that might be the case with Mr. Justice Keogh. At Belfast, a priest boasted of having trampled on the ashes of his effigy. At Waterford, he was classed by a speaker with the slanderers of St. Paul and the other Apostles—slanderers of whom, the rev. speaker said, the damnation was sure. It having been alleged that all the excitement prevailing in Ireland was due solely to Mr. Justice Keogh's Judgment and to nothing else, he wished to point out that the prelates and clergy who had aggravated the popular feeling ought to bear their share of blame. It appeared from the evidence that Father O'Brien, the clergyman selected to propose Captain Nolan, said to a Protestant gentleman on the hustings—"It is only our renegade Catholics that we will excoriate." In one of the newspaper accounts it was erroneously reported that the statement was made at the altar and not on the hustings, and, consequently, Father O'Brien published a letter of explanation, in which he said—

> "The renegade Catholics who on a recent occasion voted for Captain Trench are well aware that should Father O'Brien ever again believe it necessary or useful for the dear good cause of faith and fatherland to apply himself to their excoriation he will not hesitate, despite Judge Keogh's certificate to skin them, as it has been his duty to do more than once before, not, indeed, with the scalping-knife of the savage, *Sed cultro linguæ et sacerdotali spiritu oris,*"

with the ploughshare of the tongue, and the sacerdotal breath of the mouth. After that he should pity those renegade Catholics who came across Father O'Brien. When this agitation was first got up in Ireland it was relegated almost entirely to mobs and to those clergymen who condescended to assist in it; but latterly, no doubt, there had been presented Petitions from certain important Bodies whose opinion would carry great weight if it were believed to be altogether unbiassed. Such was the nature of the proceedings which had helped to work up the excitement which now prevailed in Ireland on this question. In many newspapers sentiments of the most violent indignation had been expressed, both regarding the Judgment itself and the language in which it was pronounced. It was no pleasure to him to weary the House with extracts of that kind, and from such sources; but when the charge was deliberately made that the prevailing excitement was owing to Mr. Justice Keogh's Judgment, nothing less than a full explanation could account for the facts. [Having read to the House several extracts from Irish newspapers, the hon. Member continued.] He would next refer to the Address issued in Dublin by the Cardinal Archbishop, of whom he wished to speak with all respect as being the head in Ireland of the religion to which many millions of his countrymen belonged. That Address challenged Mr. Justice Keogh's Judgment in the most solemn way, and alleged that his continuing on the Judicial Bench would be inconsistent with the due administration of the law. The Judge was charged, amongst other things, with being the friend of Charles Lever, the novelist; with having approved mixed marriages; and with speaking in laudatory terms of that godless University which "had been struck with barrenness by the anathema of the Church." Again, referring to that portion of the Judgment in which mention is made of the great champions of Catholic Emancipation—Burke, Grattan, and others, Mr. Justice Keogh was evidently taunted with having said that Protestants ought to share with Catholics the praise of obtaining the blessings of liberty for Ireland, and this remarkable passage occurred—"Can he forget that the nationality of Ireland meant simply the Catholic Church?" If no ideas but those were allowed to be infused into the minds of the humbler classes in Ireland, what hope was there for the future of the country? The object of all true Irishmen for years past had been to break down the barriers between Catholic and Protestant; but the principles laid down by the Archbishop were directly opposed to any united action for the common good of their common country. According to that view, no Roman Catholic in Ireland was to be permitted to learn in infancy beside a Protestant; to share in friendship—such as Judge Keogh was proud to boast of in the person of the late Charles Lever; to be permitted to study with Protestants at a common University; or to mingle with Protestants through the agency of mixed marriages. A tyranny of that kind once set up in Ireland would be of all the most hateful tyranny, for it would pervade every department of life, and enter into every crevice of society. Cardinal Cullen, in his Address, went on to speak of old persecutions, and all that he said on that point met with his (Mr. Plunket's) hearty concurrence. In no part of the world, he believed, was there a clergy belonging to any Church more entirely devoted to the temporal wants and spiritual ministrations of their Communion. He did not believe there was any purer or more devoted set of ministers than the Roman Catholic clergy of Ireland had shown themselves; but if while prosecuted they were faithful to their flocks and their religion, care must be taken that what had often happened in other countries did not occur in Ireland—that the clergy who had been humble and devoted in adversity, and had meekly borne the cross of persecution, when the pressure of adversity was removed, too soon passed into quite a different state of feeling, and when prosperity came upon them it was harder to bear. They exchanged the cross of Christian suffering for the crozier of arrogant and domineering power. And Cardinal Cullen soon passed away from his reminiscences of persecution to other and more immediate topics. His Address was delivered on the very day that the trial of the Case reserved by Judge Keogh came on for argument in the Court of Common Pleas, before a Court in which three of the four Judges were Roman Catholics; and it contained a passage in which the Judge, it was said, must remember that the Great Liberator of his country

> "bowed down his intellect before the authority of the Church, and was as obedient and docile to her teachings as the simplest peasant in the land."

Suggestions such as these were always most skilfully put forward and carefully guarded; but nobody reading them could mistake the intention with which they were made at such a time. These were indications that the ordinary relations between the Catholic clergy and their flocks were being carried from matters connected purely with religion into matters connected with civil society, and that was the point at which society must interpose. The Archbishop further declared that Justice Keogh's expressions would rouse the sleeping bigotry of England and Scotland, and revive the threats of prosecution. It was important that there should be no misconception on this point. They might be only at the beginning, they were certainly not at the end of the same great struggle in Ireland which was being waged all over Europe, against the ambition—so suddenly and so powerfully developed—of a certain section of the Roman Catholic clergy. The Cardinal sought to rouse the feelings of Irishmen by telling them that a "No-Popery" cry was to be raised in England. He (Mr. Plunket) declared his opinion most confidently that it would be impossible again to raise that cry, which was heard so loudly in England at the close of the last century, and so long baffled the efforts for Catholic Emancipation. That cry was the child of ignorance and superstition, easily startled and frightened by old women's tales, and, once roused, lent itself to the fiercest passions and persecutions; it was an ignorant, stupid, and bigoted cry, and the feeling which prompted it had entirely passed away. In its stead, however, with the spread of liberty and education, had come love of freedom, a feeling so strong as to lead to the determination—within the limits of the Empire at any rate—not to allow any interference with the intellectual, or civil, or social rights of men, by any class of clergy whatever. No more, then, of that "bugaboo" cry of "No-Popery;" it had passed away, and a stronger spirit had taken its place, which those who opposed it would find it more difficult to combat. After the eloquent speech of his hon. and learned Friend the Member for Taunton (Mr. James), it was hardly necessary that he (Mr. Plunket) should say a word in defence of the political or private character of Judge Keogh. But he might, perhaps, point out that, after all the things which had been laid to his charge were said to have happened, he was returned to the House of Commons again and again by the same constituency; he was again and again promoted to the front Bench by successive Liberal Ministers, and he had been included in the same Administration of which the present First Lord of the Treasury was the Chancellor of the Exchequer. Lord Palmerston, a good judge of character, and a man not likely in any way to tarnish the honour of the country by promoting unworthy persons to positions of dignity, placed Mr. Justice Keogh upon the Bench. That was 15 years ago, and during 10 years of that period, he himself could say from personal experience that by those who practised before him, as well as by the other members of the Bench, there was no one who was more respected, admired, and honoured than Mr. Justice Keogh. And yet it had been suggested that from corrupt motives he had altered his judgment. Good heavens! if he was about to do so he went a very curious way to work, for he might have struck out the very passages which had given his assailants their only possible weapons of attack. Charges like these were unworthy of those who made them, for it was well known that every Judge on the English, Irish, and Scotch Bench revised his judgment, and wisely so. And it would not be an imprudent thing if hon. Members in that House sometimes revised and altered their speeches too. And now he called on the House to take care that they did not separate without coming to some decision—he cared not how it was taken—which would convey unmistakably to the people of the United Kingdom what feelings the House entertained with regard to an agitation so unworthily and vindictively raised against Mr. Justice Keogh. Having tried the case for 50 days with the most perfect impartiality, he expressed his opinion in strong language suitable to the occasion. ["Oh, oh!"] He did not defend every expression which had been used; but if they were set side by side with the great work which he had achieved, and the great service which he had done his country, and all the pains and penalties he had incurred—the House would decide that if his language was strong, it was right that it should be so—and if he was a partizan in what he had said, he was the partizan of freedom and independence and of civil and religious liberty.

COLONEL WHITE, who spoke amid considerable interruption, said, he had hitherto abstained, however strong and decided might have been the opinion he had from the first formed upon this Judgment, from pronouncing an opinion upon it, partly because he had recognized the fact that Parliament alone was the arena in which the topic should be discussed, and partly because he stood in a somewhat peculiar position in regard to it. By the consent of the House he had been appointed to a high and responsible office, and in consequence of that appointment he considered it his duty to be doubly careful; but was he, holding the high position he did, to be silent when the county he represented had been attacked and grossly vilified in the Galway Judgment—a Judgment which was neither a just nor a wise one. With regard to the county of Tipperary —which had no more to do with the inquiry than had the counties of Yorkshire or Lancashire—the learned Judge said that it contained no single acre of ground which was not stained with human blood. [Hear! *and* "Divide!"] He recognized the importance of the objections which existed against the adjournment or prolongation of this debate;

but he had wished to defend his constituents in the House of Commons. He was not allowed to do so, and he would simply remark that it was, in his opinion, a mistake on the part of the English House of Commons to choke the defender of an Irish county which had been wantonly attacked.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Sir Colman O'Loghlen.*)

Mr. GLADSTONE: Sir, I confess to a feeling of regret that there should be manifested in any part of the House an opposition to the continuance of the debate during the present evening. I listened—and the House listened—with great patience while the hon. and learned Member for the University of Dublin (Mr. Plunket) was speaking; and I confess it caused me some surprise that there should not have been in all portions of the House an equal disposition shown to listen with favour and patience to my hon. and gallant Friend behind me, who is not accustomed needlessly or loosely to trouble the House, and who commonly addresses it with an ability—["Oh, oh!"]—which I think the hon. Member who cried "Oh!" might find it difficult to imitate. I am sure my hon. and gallant Friend would be one of the first to say that we ought to consider the question of adjourning this debate in reference to the interests involved. I do not, however, gather from all that I have seen and heard that there exists a general desire on the part of the House to adjourn the debate. If there were such a desire, it would not be for the Government to resist it. The right hon. and learned Gentleman (Sir Colman O'Loghlen) has expressed such a desire on his own part and on the part of some other hon. Members, and I do not feel myself absolved from the duty of considering whether public advantage is likely to be derived from the renewal of the debate on a future occasion. If I could satisfy myself that that was likely to be the case, I would cheerfully vote with my right hon. and learned Friend. I do not mean to say that in any case I would pertinaciously oppose myself to his wish; but, undoubtedly, if he calls for an expression of the sense of the House on the Motion he has made, I must express my own opinion, based upon the view I take of the public interests involved, that this debate had better not be adjourned. Let me for a moment draw attention to the nature of those interests. In the first place, let us consider the case in reference to the learned Judge who is the object of the Motion of my hon. and learned Friend the Member for Limerick (Mr. Butt). I am not going to touch upon the merits of the case, for the views of the Government have been sufficiently explained by my hon. and learned Friend the Attorney General; but as regards the learned Judge himself, I fully admit the right of my hon. and learned Friend, with the views he entertains, to bring forward a Motion not only impugning the conduct of the learned Judge, but following the issue up to its legitimate conclusion by frankly owning that he contemplated his removal from the Bench. But I think my hon. and learned Friend having stated the grounds upon which he based his Motion at great—but not at too great — length, and with that marked ability which always marks his speeches, and the supporters of the Motion having enjoyed a very large share of the hours available for its discussion, I think it would be just on the part of the House, and more consonant with the view most of us entertain, that when a great question of this kind has been brought up and sufficiently argued, it should be carried at once to a decision, if we proceeded now to take the sense of the House with regard to the Motion which is now before us. I think advantage would not arise from a prolongation or renewal of this debate. The vindication of the law is the object of the statute relative to elections, and my right hon. and learned Friend the Attorney General for Ireland having taken all the means in his power to obtain assistance and corroboration for his own judgment from his learned Brethren, has announced, in the fulfilment of his statutory duties, his intention to prosecute a large number of persons in Ireland — persons important from their station, and from the fact that they possess the confidence of a considerable portion of the community. I cannot altogether rid myself of the apprehension that the continuance of this debate is not favourable to that which we should all probably desire — namely, that the great judicial issue which he has expressed his intention to raise should be fairly tried, without appeals to passion on one side or the other. In this House it is hardly possible for us to conduct this discussion without its ranging over a very wide field; and I think we must feel, however much the many animated declarations we have heard on one side or the other may be agreeable to the feelings we severally entertain, that their tendency is rather to exasperate than to allay the excitement which already, as we are told, so extensively prevails in Ireland. I do not at all question the title of hon. Members—or the full right of the House, if it so thinks—to enter upon this debate on a future evening; but if I am asked honestly for an opinion whether the balance of public benefit and advantage with respect to the vindication of the law, the quiet of the country, and the concord of all classes is likely to arise from a prolongation or a renewal of the debate, I am bound to answer in the negative, and therefore I shall vote against the Motion of my right hon. and learned Friend.

MR. DISRAELI: Sir, as the right hon. Gentleman at the head of the Government has expressed a desire to defer to the opinion of the House as to the continuance of this debate, I am bound to give him such information upon that subject as is in my power. In the first place, with reference to the hon. and gallant Gentleman opposite (Colonel White), I believe on this side there is no wish whatever that he should not be heard; but the fact is, an impression existed that he had risen to speak on the Motion for Adjournment made by the right hon. and learned Member for Clare. If that Motion had not been made, the hon. and gallant Member would have been listened to with all the respect and attention he deserves, as would any other hon. Member, because there is a desire on this side of the House that the debate should close to-night. Of course, on a question such as this there are many hon. Members on this side of the House who, under ordinary circumstances, would solicit your attention, and who would receive it; but considering this is the end of July, and considering the position of Public Business, everyone must feel that it is of very great importance, totally irrespective of the immediate question before us, that we should come to a definite conclusion to-night. Let us look for a moment at the course of the debate. It has not been an unsatisfactory debate as to entering on the merits of the question; on either side it has been conducted with great ability, and sustained and almost continuous interest. The case of those who felt themselves particularly aggrieved by the Judgment of Mr. Justice Keogh, and many of whom are in consequence of it to be the objects of criminal prosecution, has been placed before the House by their chosen advocates, and in so complete a manner that no one will for a moment pretend that there has been any omission of any circumstances which should have been urged before the House. On the other hand, the course taken by Mr. Justice Keogh has been vindicated with singular ability, not merely by an hon. Member opposite—the Member for Taunton—a distinguished member of the English Bar—but also by one of the most distinguished Members of the Irish Bar. And in addition to this, we have had a full and candid exposition on the part of the Government of the course they intend to take, and the feelings which have prompted them to adopt that course. It appears to me, therefore, that all the principal objects of the debate have been attained. I candidly confess that had a debate on a subject of this character been begun at the commencement of the Session, I can conceive that there are many hon. Gentlemen on both sides not only anxious, but perfectly capable of addressing the House in a matter which would command our attention, and that even new light might be thrown upon some circumstances, and some novel arguments urged. But, generally speaking, you seldom find an evening devoted to the specific discussion of a great and important question in which the salient points of the question are dealt with in a more masterly manner. Under these circumstances, I believe I may say I am authorized by hon. Gentlemen who sit on this side of the House to express their anxious wish that the debate should close to-night. If there are hon. Gentlemen who wish to address you, Sir, they may rest assured that they will be listened to with the courtesy which becomes this House; but I am, myself, of opinion that the question has now been sufficiently discussed, and is ripe for decision.

Mr. BUTT said, the question raised by the Adjournment was, whether the House was in a position to come to a satisfactory decision upon the question he had raised? When he said a satisfactory decision he did not mean what might be satisfactory to that House—they must look at something else. Might he ask the attention of the House to the position of Her Majesty's Government? The Attorney General did not defend Mr. Justice Keogh. No opinion had been given by Government on the Motion he (Mr. Butt) had made, except that it could not at present be carried. For the entire argument of the Attorney General was founded upon the fact, that the Attorney General for Ireland had determined to prosecute; and had the hon. and learned Gentleman moved that the House should pass to the Orders of the Day, he (Mr. Butt) should have felt it very difficult to resist it. It would, in fact, have been saying that in consequence of the prosecutions, that was not the proper time to raise the present discussion. But what was the position in which he and other Irish Members were placed? He was anxious to put down these exhibitions of popular feeling against the Judge, which he thought were unbecoming and injurious to the character of the Irish nation, and when he returned to Ireland any influence he possessed would certainly be used in that direction. He believed he might say the same for every one of his hon. Friends around him. But if the House came to a hurried conclusion, he could not go back to Ireland and say the question had been fairly dealt with. ["Oh, oh!"] He repeated his assertion, and if the hon. Member who violated the Rules of the House and interrupted him by making inarticulate noises was able to express himself distinctly, let the hon. Member wait until he sat down. But although he would endeavour to allay the excitement, he should not be able to say the question had been fully argued, and he appealed to the Prime Minister and to the right hon. Gentlemen opposite, who had on many occasions shown a spirit of fairness he was ever anxious to recognize, to enable him and those around him to take back to Ireland a good report of the treatment this great question had received at the hands of Parliament.

Mr. M'CARTHY DOWNING complained that not a single Irish Member below the gangway had been permitted to speak on the Motion.

Sir JOHN GRAY also protested against a division taking place before the Irish Members were heard on a subject in which they were peculiarly interested.

Mr. BRADY hinted that there would be great dissatisfaction in Ireland if the important question at issue were not fully debated.

Mr. BALL said, the debate must end in any event in the examination of individual cases. Was it proper to prejudge them? To prolong this discussion would be peculiarly unjust, and he protested against entering into those minute inquiries, which would only lead to prejudice.

Mr. MAGUIRE, in that case, thought the right hon. and learned Gentleman should have interfered while the hon. and learned Member for Taunton was speaking on those cases, and quoting the evidence. He did not believe the trial of these accused persons would be prejudiced by the continuance of the discussion. The question ought to undergo further discussion, and the right hon. Gentleman (Mr. Gladstone) might alter the Order Book for to-morrow or Tuesday.

Sir PATRICK O'BRIEN thought that the observations of the hon. and learned Member for Taunton (Mr. James) ought to receive some answer, referring as they did to clerical influence in Ireland during 40 years past.

Mr. NEWDEGATE remarked that the hon. and learned Member for Limerick (Mr. Butt) would have preferred that the Previous Question had been moved. [Mr. Butt expressed his dissent from that statement.] He (Mr. Newdegate) had so understood the hon. and learned Gentleman, and should vote against the Adjournment.

Mr. STACPOOLE also thought a second night should be given for the discussion of a question which excited unbounded interest in Ireland.

Mr. FAWCETT said, that the prospect at present before them was a useless struggle on the question of Adjournment, which might last till 3 or 4 o'clock in the morning. There were many influential Irish Members who desired to speak, and if they were refused the opportunity the impression would prevail in Ireland that the House was unwilling to hear them. He was himself opposed to the Motion of the hon.

and learned Member for Limerick, and he was anxious to give the reason why. He was, therefore, in favour of adjourning the debate, and he hoped that the Government would consent to that course, and would allow the subject to be fully discussed.

MR. AGAR-ELLIS said, it ought to be remembered that if the debate was now adjourned, there was no reasonable chance of being able to resume it before the 12th of August.

SIR DOMINIC CORRIGAN supported the Motion for the Adjournment of the debate. He wished to address the House on the subject under discussion, for hitherto he had not agreed with any of the hon. Members who had taken part in the debate.

MR. BOUVERIE said, the Motion was one of a very rare and important kind, and it was entitled to a full and fair discussion in that House. He did not think, therefore, it would be at all a dignified course if the Government were, after one division on the question of Adjournment, to agree to let the matter stand over to some indefinite period. Mr. Justice Keogh had the right to expect that the verdict of the House should be given on the question, and the Irish Members had also the right to ask that the subject should be fully discussed. This was a question which affected the Government and the administration of justice in Ireland in the highest degree. He hoped, therefore, that the debate would be adjourned to a practical day. The proposal to confer this jurisdiction of trying Election Petitions on the Irish Judges was made after the Bill passed through Committee. He ventured to oppose it at the time, on the ground that the impartiality of the Irish Judges would be called in question. He did not expect, however, that his prediction would be so soon verified. Any person having the slightest acquaintance with the historical position of parties in Ireland would have come to the same conclusion as he had done. It was with the greatest diffidence he differed from the judgment of the Leaders on both sides; but he felt bound to vote for the Adjournment.

MR. J. MARTIN supported the Motion for Adjournment in justice both to the Judge who was accused, and whom he himself intended to accuse, and to the people of Ireland.

MR. M. GUEST, from a feeling of justice to Ireland, hoped the debate would be continued. He wished for its continuance, without offering any opinion on the main subject.

Question put.

The House *divided* :—Ayes 59; Noes 350: Majority 291.

Question again proposed.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Maguire.*)

MR. GLADSTONE said, he hoped the hon. Gentleman (Mr. Maguire) would not persevere with that Motion; but if it were thought fit to renew the Motion for the Adjournment of the debate, he would not resist it further. He could not, however, assent to the resumption of the debate until the essential business of the Session was advanced, so as to admit of definite arrangements being made for Prorogation.

MR. MAGUIRE said, he would withdraw his Amendment, provided he received an explicit declaration as to the day for resuming the debate.

MR. GLADSTONE said, he could not consent to postpone essential business on account of that debate.

MR. MITCHELL HENRY hoped his hon. and learned Friend the Member for Limerick (Mr. Butt) would not assent to that arrangement. If the debate was not to be resumed till all the essential business was disposed of, he would like to know when it was likely to come on again.

MR. SPEAKER asked the hon. and learned Member for Limerick what course he desired should be taken on that occasion?

MR. BUTT said, he wished the Amendment to be negatived, so that something decisive might be settled. In that case, he should move the Adjournment of the debate until Monday.

MR. GLADSTONE explained that in what he had said, he did not mean that the debate should be adjourned till all the essential business had been disposed of.

Question put, and *negatived.*

Question again proposed.

Motion made, and Question, "That the Debate be now adjourned,"—(*Sir John Gray,*)—put, and *agreed to.*

MR. MAGUIRE expressed a hope that the debate would not be adjourned for a fortnight.

SIR MICHAEL HICKS-BEACH said, he wished to point out that the Government having refused to give a day, the question would be undecided, and it would be most unsatisfactory to the country, and to the learned Judge.

MR. MONK suggested that the debate should be continued to-morrow evening.

SIR COLMAN O'LOGHLEN said, that to adjourn the debate without naming a day would be practically to stifle the decision.

MR. GLADSTONE said, that distinct pledges had been given to hon. Members with respect to the disposal of the remaining days of the Session. The best course would be to put down the Bill for to-morrow, and then see whether those who had Motions would give way.

THE MARQUESS OF HARTINGTON said, he thought it would not be difficult to find a day when Supply was finished; but would suggest that the Order should be put down for to-morrow evening.

Motion made, and Question proposed, "That the Debate be adjourned till Monday next."—(*Mr. Butt.*)

Amendment proposed, to leave out the words "Monday next," and insert the words "this day," — (*Mr. Percy Wyndham,*)—instead thereof.

Question put, "That the words 'Monday next' stand part of the Question."

The House *divided:*—Ayes 97; Noes 93: Majority 4.

Main Question put, and *agreed to.*

Debate *adjourned* till *Monday* next.

LAW OFFICERS (ENGLAND) FEES BILL.

(*Mr. Chancellor of the Exchequer, Mr. Baxter.*)

[BILL 257.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. FAWCETT said, he would propose to re-commit the Bill, in order to insert a clause affecting the appropriation and division of fees by the Attorney General and the Solicitor General.

Amendment proposed, to leave out all the words after the word "be," in order to add the word "re-committed."—(*Mr. Fawcett.*)

THE ATTORNEY GENERAL said, that, if the proposition of the Bill were not misunderstood, the Amendment implied that the hon. Member was a fool, or he (the Attorney General) himself was a knave.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 87; Noes 9: Majority 78.

Main Question put, and *agreed to.*

Bill read the third time, and *passed.*

KENSINGTON STATION AND NORTH AND SOUTH LONDON JUNCTION RAILWAY ACT, 1859 (REPAYMENT OF MONEYS) BILL.

Resolution [July 23] *reported;*

"That it is expedient to make provision for enabling the Commissioners of Her Majesty's Treasury to pay into the High Court of Chancery in England the sum of Five Thousand Seven Hundred and Sixty Pounds, deposited with the Court of Chancery in England in respect of the Railway authorised by 'The Kensington Station and North and South London Junction Railway Act, 1859,' which said sum was released upon a bond granted in pursuance of the 25th section of that Act, and which by reason of the non-completion of the said Railway, was paid to the Paymaster General on account of Her Majesty's Treasury."

Resolution *agreed to:* — Bill *ordered* to be brought in by Mr. ADOLPHUS YOUNG, Mr. ROBERT FOWLER, and Mr. GILPIN.

Bill *presented,* and read the first time. [Bill 273.]

House adjourned at a quarter before Four o'clock.

HOUSE OF LORDS,

Friday, 26th July, 1872.

MINUTES.]—PUBLIC BILLS—*First Reading*—Factories (Steam Whistles)* (252); General Police and Improvement (Scotland) Supplemental* (253); Law Officers (England) Fees* (254).

Second Reading—Adulteration of Food, Drugs, &c.* (243); Railway Rolling Stock (Distraint)* (247); Wild Birds Protection (248); Bastardy Law Amendment* (244); Judges' Salaries* (242.)

Committee — Mines (Coal) Regulation (224-255); Metalliferous Mines Regulation * (229-256).

Committee—Report—Masters and Workmen (Arbitration) * (234); Galashiels Jurisdiction Act Amendment * (226); Elementary Education (Elections) (No. 2) * (240).

Report—Inclosure Law Amendment (238), *negatived;* Pier and Harbour Orders Confirmation (No. 3) * (212); Grand Juries, Middlesex * (235).

Third Reading—Grand Juries (Ireland) * (225), and *passed.*

ENDOWED SCHOOLS COMMISSIONERS—SCHEME FOR HUGHES' CHARITY, BEAUMARIS.

MOTION FOR AN ADDRESS.

THE BISHOP OF BANGOR, having presented Petitions from the Feoffes and from Conference at Bangor against the scheme of the Endowed Schools Commissioners for the better management of the Charity of David Hughes, founded in 1609 at Beaumaris, in the county of Anglesey, moved that an humble Address be presented to Her Majesty praying Her Majesty to refuse Her assent to the scheme. The right rev. Prelate complained that whereas by the will of the founder the Bishop of the diocese for the time being was necessarily a trustee, the Endowed Schools Commissioners had omitted his name from amongst the *ex-officio* members. The Commissioners justified their action by the 17th section of the Act, which, however, merely provided that no person should be disqualified from being a member of a Governing Body on the ground of his religious faith; and he confessed he could not see how that could be construed to mean that the Bishop of the diocese on the instance of the parishioners was unfitted for the office. Another objection was to the removal of the school from Beaumaris; and a third was as to the sale of lands or portion of the endowment.

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the better management of the Charity of David Hughes, founded A.D. 1609, at Beaumaris in the county of Anglesey.—(*The Lord Bishop of Bangor.*)

THE MARQUESS OF RIPON said, that the Endowed Schools Commissioners were in no way to blame for leaving out the Bishop from among the *ex-officio* Governors. A doubt having arisen as to the meaning of the 17th and 19th clauses of the Act under which the Commissioners framed their scheme, the opinion of the Law Officers of the Crown was taken on the point last year, and they gave an opinion that it was not competent to the Commissioners to appoint an ecclesiastical corporation to be a trustee. On that ground, and that ground alone, the name of the Bishop had been left out by the Commissioners, and he thought it furnished an ample justification for their conduct. As to the general question, he believed the right rev. Prelate admitted that the school had not been working satisfactorily; and it was on the invitation of a great many persons in the county of Anglesey that the Endowed Schools Commissioners had been induced to go out of their way to take up the foundation. The removal from Beaumaris, to which the right rev. Prelate had objected, had been decided on because there was a great preponderance of evidence in favour of the desirability on account of convenience to the inhabitants of the Isle of Anglesey, of having it in a more central part of the island than the town of Beaumaris; while, with regard to the last objection, what had been proposed was solely with a view to promote and extend the usefulness of the school as much as possible. He hoped their Lordships would not accede to the Motion.

THE MARQUESS OF SALISBURY, on the contrary, trusted the House would agree to the Motion, and would thus exercise that influence which the Act vested in it of stopping, if it thought fit, any of the schemes of the Endowed Schools Commissioners. He thought that the two Houses of Parliament ought to be satisfied with being the guardians of the spirit of the Act, leaving the guardianship of its letter to the Courts of Law. Judged by that rule, the scheme now under discussion was undoubtedly opposed to the spirit, if not to the letter, of the Act, as it was understood in both Houses at the time of its passing. Now, it was well known that a great many founders in former times, anxious to leave their property for the promotion of religious education, indicated that desire, in the clearest possible manner, by appointing, as *ex-officio* trustees, various spiritual corporations, such as rectors, vicars, and Bishops. Well, when the Act passed, it was supposed that it would give effect in a broad manner to the wishes generally of the founders of the schools that might be dealt with; but it was never imagined that it would be made the instrument of a system of Dissenting raids upon the Church of England endowments. In an evil hour, however, the point now raised by this scheme was referred to the Law Officers of the Crown; and they, moved by one of those strange caprices that sometimes overtook the clearest intellects, determined that the clause which declared that you should not establish a test of religious opinion for trustees, excluded Bishops and vicars from being *ex-officio* trustees altogether. Such was certainly not the intention of either House when the Act passed; and however much it might be its letter, he felt certain it was not its spirit. The clause was only intended to exclude tests as directly applied; but it was not intended to make the Commissioners assume that because a man held a particular office he must hold particular opinions. In the present case the intention of the founder of the school was clear. He directed that the Bishop of the diocese should not only be a permanent trustee, but also gave him two votes in the election of the schoolmaster; yet the Bishop was now to be excluded altogether from the trust. The question raised by this scheme was not merely one turning on a point of law, nor was it only a dispute between the Church of England and Dissenters. The fact was, that the latter, in order to carry out their views, were obliged to fight in the uniform and under the banner of the friends of secular education, and if their Lordships approved of the course taken in this matter by the Commissioners at the instance of the Dissenters, the result would be this—not that *ex-officio* Dissenting trustees would take the place of *ex-officio* Church of England trustees, but that trustees would have to be appointed who had no connection with any spiritual office or body whatever. That appeared to him a retrograde system. He regretted that the time was passed when this point could have been made the subject of judicial interpretation.

Lord LYTTELTON said, that this Session the Endowed Schools Commissioners had to acknowledge great forbearance—perhaps he should rather say neglect—on the part of Parliament. Only once—in the case of the Grammar School at Ripon—had there been an attempt to ask the opinion of the other House on their proceedings, and the present was the first occasion on which those proceedings had been in any way brought under the notice of their Lordships. However, the proverb—"It never rains but it pours," was likely to hold good in this instance, because there were no fewer than three cases in which objection was to be made this evening to schemes formed by the Commissioners. He could not say that out-of-doors matters had been quite equally smooth for him and his Colleagues. He had been called "a pedantic nobleman" one time, and "an amiable nobleman" another time; he hardly knew which was the worst. He had been compared to Mr. Ayrton, one of the Assistant Commissioners, and to Judas Iscariot. But still he believed that, especially since the issue of their Report—a Report which had been generally received in a tone of compassionate contempt—the result of their labours had been to give such an impetus to secular education in the direction of the principles of the Schools Inquiry Report, that if, to the general satisfaction of mankind, they were themselves to be swept from the earth tomorrow, what they had done would have produced lasting and substantial effects; and, in that case, all the invective and all the compassion might go to their own place. In the Beaumaris case the Commissioners were accused of something like sharp practice in having so timed the day of laying the scheme before Parliament that there was barely time for its consideration. With this, however, they had nothing whatever to do; it was wholly in the hands of the Education Department. That Department was well able to defend itself. He would only say that if they did mean sharp practice they chose an odd way of doing it, for the schemes were before Parliament on July 4, when it was quite doubtful if they would not have to stand over till next Session. As to the complaint about the removal of the school from Beaumaris, that step had not been decided on by the Commissioners without a full consideration of all the circumstances, and the most ample local inquiry. The people of Beaumaris no doubt objected, as everyone always did, to the withdrawal of any portion of the endowments which it possessed; but it was assuredly the duty of the Commissioners to take a broader view, including the whole of the district around, and in that view they were satisfied; and he asserted, without troubling the House with details—which, however, he was able to do if required—that the course actually proposed was the best even for Beaumaris itself, the county of Anglesey generally, and the adjacent parts of Wales. As to the legal point, he admitted—and it was only what they had said in their Report—that they did not agree in the opinion of the Law Officers. In fact, his former colleague, Mr. Hobhouse, a most enlightened and liberal man, and anything but a Church partizan, looking at the matter as a highly-competent lawyer, said it never occurred to him to consider that, under Clause 17, they were debarred from appointing whoever they pleased as an *ex-officio* Governor. The marginal heading in the Act was of course no authority, but he quoted it as indicating what seemed the reasonable view—that if a man's social and official position indicated him—as was constantly the case, for instance, with respect to the incumbent of the parish—as a proper *ex-officio* Governor, his religious opinions should not disqualify him. He much wished that this point might be brought to judicial decision, about which he could not suppose there could be any serious difficulty. At present the Commissioners thought themselves bound to construe the 17th and 19th sections strictly; if they were wrong, they desired to be so informed by superior and competent authority. But he did hope that the House would not on this single and separate point, which might be afterwards dealt with, reject schemes which—especially the Felstead scheme—he believed would be very acceptable in the districts concerned.

THE LORD CHANCELLOR said, he also hoped their Lordships would not adopt a course which would be in the highest degree inexpedient — namely, that of rejecting several schemes proposed by the Endowed Schools Commissioners upon a point of law arising in the construction of an Act of Parliament, when the House had no power, by mere Resolution, to determine what was the proper construction of the Act. The proper course was to put the point at issue—the appointment of spiritual persons as *ex-officio* Governors—in train for legal decision. He was not going to express an opinion upon the construction of these two clauses, a point which might be argued by way of appeal before the Privy Council. The case was not clear. It was obvious that the marginal note had operated upon the mind of the right rev. Prelate; but it must be dismissed from consideration, because no Court of Law could take cognizance of a marginal note. The 19th clause simply provided for Church schemes and schemes for other religious denominations, and provided in the interest of religious instruction certain exemptions from the 17th clause, and the 17th section simply meant that, having regard to denominational schools, care should be taken that the religious opinions of a person appointed trustee should in no way affect his qualification. But when they said that a clergyman of the Established Church, a Roman Catholic priest, or a Jewish Rabbi might be *ex-officio* trustees, was it not thereby meant that they should so act as long as they remained a clergyman, a priest, or a Rabbi, and no longer? Suppose the clergyman were deprived of his incumbency or status in the Church for holding Roman Catholic or Unitarian views, was he to continue to hold the position of trustee, notwithstanding he had ceased to hold the religious opinions which had led to his appointment as trustee? The point was an arguable one, and ought to be decided not by a vote of this House, but by solemn argument and decision.

LORD CAIRNS, in the first place, desired to call their Lordships' attention to the various and important points before the House. He was not going into local details, with regard to which he had no information; nor was he going to inquire whether it was wise to give facilities for the selling of land left in trust. He was, however, very much in favour of property being sold, and the purchase money invested, as he thought this course would be convenient for the charities. There was one point of the case which affected the present scheme. It was narrow and precise, but still an important and practical point. It was this—Was the Bishop or the incumbent of the parish to be the only person disqualified from filling the office of trustee? He thought the noble Lord (Lord Lyttelton) had troubled himself unnecessarily in supposing that these Motions were directed in any way against the Endowed

Schools Commissioners, who took the view that it was a hardship that they should be debarred by the restriction of the Act from appointing a Bishop or incumbent to be an *ex-officio* trustee. As he understood their meaning, it was that the Endowed Schools Commissioners should not be debarred from appointing a Bishop or rector as *ex-officio* trustee. What he maintained was this—that the Endowed Schools Commissioners might really feel that, irrespective of his opinions, the Bishop of a diocese or the rector of a parish was a fit and proper person for such appointment, and he should say the same in the like case of a Roman Catholic Bishop or parish priest. These were generally the most fitting persons in point of position, dignity, and permanency to be the trustees of these schools. The 17th clause had been referred to, but that clause said that in every scheme the Commissioners should provide that the religious opinions of any person should not in any way affect his qualification as one of the Governing Body. But was it not on the ground of his religious opinions that the Bishop was now excluded? Then, the result of the construction put upon the clause was that the Bishop was now one of the persons prevented from being a trustee of the school upon the ground of his religious opinions. He would not have said so much if he were sure that the question would be brought to a legal decision. His right rev. Friend knew very well from experience that the wording of the 39th clause was very peculiar and somewhat narrow. If, however, the Endowed School Commissioners appointed a Bishop, and somebody challenged the appointment on the ground of its illegality, the question might be tried. But if the Endowed School Commissioners felt themselves debarred from appointing a Bishop, he did not see how the question could be raised in a Court of Law. That being the state of the case, he trusted their Lordships would agree to the Address moved by the right rev. Prelate.

The MARQUESS OF RIPON said, he should be sorry if the idea should go forth to the public that there had been any disrespect shown on the part of the Education Department to either that or the other House of Parliament. The scheme in this case was laid before this House on the very first day on which it could possibly be done. The scheme was sent into the Department on the 17th of April; a fortnight was usually given by the Department in order that representations might be made by parties concerned, but in this case there were two days less. The scheme was approved on the 29th of April, it was advertised on the 4th of May, and after the lapse of two months, upon the 4th of July, it was laid before the House.

On Question? Their Lordships *divided:* —Contents 64; Not-Contents 50: Majority 14.

Resolved in the *Affirmative.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

SCHOOL AT FELSTEAD.

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the school at Felstead in the county of Essex.—(*The Lord Bishop of Rochester.*)

Objected to; and, on question, *agreed to.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

SCHOOL AT TIDESWELL.

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the school at Tideswell in the county of Derby.—(*The Marquess of Salisbury.*)

Objected to; and, on question, *agreed to.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

INCLOSURE LAW AMENDMENT BILL.

(*The Earl of Morley.*)

(NO. 238.) REPORT OF AMENDMENT.

Order of the Day for receiving the Report of the Amendment, read.

Moved, That the said Report be now received.

THE DUKE OF NORTHUMBERLAND, in moving that the Report be received on that day three months, said, he did so on the ground that the Bill was an invasion of the rights of property in the case of lords of the manors.

Amendment *moved*, to leave out ("now,") and insert ("this day three months.")—(*The Duke of Northumberland.*)

LORD KINNAIRD said, that when the Bill was before the House on previous occasions, lords of manors jumped up right and left and declared that it would confiscate their rights. He (Lord Kinnaird), however, could not for the life of him make out what those rights were. The lords of manors were something like the dog in the manger; they could not inclose commons themselves, and they wished to prevent other people from inclosing. The poor, however, had extensive common rights, and, in his opinion, every exertion possible ought to be made to preserve those rights in a legitimate manner. Instead of that, he thought this Bill did not go far enough in the protection of those rights, but that it went too far in favour of the interests of lords of manors. After the noble Earl who had charge of the Bill had endeavoured to meet the objections of noble Lords opposite, he was rather surprised that the noble Duke (the Duke of Northumberland), who, he supposed, was one of the lords of manors, should rise up to oppose the reception of the Report.

EARL NELSON said, the noble Lord (Lord Kinnaird) had shown that he knew nothing of lords of manors or of their rights. Political economists said that all these inclosures were for the benefit of landlords, and not for the benefit of the people; but that, to say the least of it, was a great exaggeration. He believed these inclosures were greatly for the benefit of the people. These inclosures had brought more land into cultivation, and in that way tended to raise both the price of labour throughout the country and the productive power of the land. At present he had two parishes—one where everything had been inclosed, and the other about five miles off where there was a large common; and he was quite certain that the people in the inclosed parish were better off than the people in the other parish. Lords of the manor were willing to give sites for churches, chapels, and burial grounds, schools, recreation, and allotment grounds where they were required; but they objected to this being made a general rule, applicable to cases where such grants would serve no useful purpose. Instead of passing that crude Bill it would be better to refer the matter to a Select Committee next Session.

LORD CAIRNS said, he would not deny that legislation on the subject might be desirable, but must urge that the Bill could not be properly considered by the House of Commons, which had more pressing business before it, and that Amendments made by that House could not be adequately discussed here, at the very end of the Session. The noble Lord (Lord Kinnaird), who had come forward as the advocate of donkeys and geese, might rest assured that their interests would be better served by the defeat of the Bill than by its passing.

THE EARL OF MORLEY said, that while he did not wish to complain of the opposition offered to the Bill at that stage, he thought the course pursued by noble Lords opposite somewhat illogical; for if they disapproved of the principle of the Bill, it should have been opposed on the second reading; and if they disapproved of its details they might have amended them in Committee. He denied that the Bill was crude; that it had been carelessly considered, or that it was carelessly drawn and a measure of confiscation, sanctioning the levying of black mail. The subject had been under the consideration of the other House during three years; it had been discussed by two Select Committees; and the fact that commons had remained uninclosed must have made known to those interested that legislation was pending, so that they could not complain of being taken by surprise. The Bill, moreover, had been severely criticised on six different occasion in that House; but, notwithstanding the severity of the ordeal to which it had been subjected, the portion of the Bill referring to suburban commons had hardly been touched upon, no substantial Amendment being made; and though as to rural commons, Amendments had been made, the main features of the measure had not been injured, remaining practically the same as when introduced into that House. It proceeded upon no new principle as alleged; but was, in fact, a supplementary measure to the Act of 1845, and if it was a measure of confiscation, the noble Duke opposite (the Duke of Northumberland), to be consistent, would have to move the repeal of previous Acts upon the subject. The fact was, Parliament did not wish to inclose commons; it merely facilitated inclosures when they were desired, and in return exacted certain conditions. The noble Marquess opposite (the Marquess of Salisbury) admitted that the State had a right to take a certain amount of land in return for the privileges which it granted; and the question in dispute between them was merely one of degree. The noble Marquess said one-tenth was too much; he (the Earl of Morley) said that the proportion settled by the Act of 1845—namely, 1 per cent, was obviously insufficient, and that the minimum of 10 per cent fixed by the Bill was a great improvement, and far from excessive. The question of facilitating the inclosure of commons was one of State policy; but he would remind their Lordships that there was a great and influential party in the country, not merely of one political complexion—and who, moreover, were constantly increasing in strength—who desired that commons should be kept open for public use. He ventured to ask their Lordships whether they, like the noble Marquess, trusted to the mutability of the human mind, in the hope of securing a better bargain than that offered by the Bill?

THE MARQUESS OF SALISBURY: I did not say, on the occasion referred to, the mutability of the human mind, but the mutability of the House of Commons.

THE EARL OF MORLEY said, however that might be, many persons regarded the terms offered by the Bill as being far more favourable than they should be; and he would ask those who wished to keep open the commons to consider whether it would be wise to refuse that offer in the hope, based upon the mutability of the House of Commons, that at some future time they would obtain better terms. In conclusion, he must say he hoped the House would not accede to the proposal of the noble Duke.

LORD REDESDALE said, his reason for opposing the further progress of the Bill was the time of the Session. They ought, on no account, to send down a Bill to the other House when that House had already more business than they knew what to do with, and had slaughtered a great number of important Bills which they were unable to pass. If this measure were sent down to the House of Commons at so late a period of the Session, it would, on account of the Government having been defeated on some clauses and provisions of the Bill which they wished to retain, be returned to them with Amendments which they had already discussed and rejected. In the interests of legislation, therefore, their Lordships should not set the example of sending measures down to the other House at a period of the Session when it was impossible they could be properly discussed, and especially when they considered that they had a right to expect that measures would come up to them at a proper period of the Session. He wished to know why this Bill had not been introduced earlier. The subject had been under the consideration of two Select Committees of the House of Commons, and yet the noble Lord, having the whole matter fully before him before the commencement of the Session, had not thought proper to introduce this measure until the 21st of June, with the result that their Lordships were discussing in the fourth week in July the propriety of sending it down to the House of Commons. He thought that circumstance alone was sufficient to induce their Lordships to reject the Bill.

EARL GRANVILLE said, he had no desire to prolong the debate, but would tell the noble Lord opposite (Lord Redesdale) why the Bill had not been introduced sooner. He (Earl Granville) had always done his best to get Bills introduced into the House at an early period, notwithstanding the great inconvenience and disadvantage which was generally acknowledged—and especially by Lord Grey—to be attendant upon bringing Bills first into that House. That objection, however, was felt to apply so strongly to this and other Bills, that he was not able to give their Lordships an opportunity of considering the measure at the beginning of the Session. He should not relax his efforts in future; but he was not sure that he should be strengthened by the course taken by their Lordships with regard to the Bill under discussion. They were asked on various grounds to reject the Bill. It was said that it would not be courteous to send down the Bill at so late a period; but he believed the other House would be glad to receive a Bill which retained in the main the provisions recommended by a Select Committee of their own House. The noble Duke opposite (the Duke of Northumberland) said the Bill interfered with the rights of property, and other arguments were urged against it; but it appeared to him that the course proposed to be pursued in rejecting it was most illogical. In the first Committee on the Bill, unexpectedly, there was a majority in favour of certain clauses; and he could understand the normal majority saying that as those clauses had been agreed to because they were away, they must stop the Bill in some other manner. But that was not done. The majority insisted that the Bill should be re-committed; and when it was re-committed, the majority carried out their views with regard to every point of the Bill; yet now they said that, as they had been so successful, they were bound to reject the Bill at this stage. A more unreasonable course he had never seen taken.

On Question, That ("now") stand part of the Motion? Their Lordships *divided*:—Contents 53; Not-Contents 65: Majority 12.

Resolved in the *Negative*; and Report to be received *this day three months.*

MINES (COAL) REGULATION BILL.

(*The Earl of Morley.*)

(NO. 224.) COMMITTEE.

House in Committee (according to Order).

Preliminary.

Clauses 1 to 3, inclusive, *agreed to.*

PART I.

Employment of Women, Young Persons, and Children.

Clause 4 (Employment of women and children in mines).

THE EARL OF SHAFTESBURY, in moving as an Amendment in page 1, line 21, to leave out ("ten") and insert ("twelve"), said, it had not been his intention to move any Amendments in the Bill, having been prepared to accept it as it was, however imperfect he thought it; but yesterday he received, to his astonishment—and he might almost say to his dismay—a Paper entitled "Amendments suggested by Coal owners and Coal Mine proprietors," which seemed to him to strike at some of the main provisions of the measure. He confessed that he had hardly believed that there could be gentlemen in possession of coal mines who were prepared to resist a measure of that character coming from the House of Commons. Nevertheless, he was determined to take the advice once given to him by the late Duke of Wellington, who said—"Depend upon it that no point is good for defence, unless it is equally good for attack;" and therefore, under the circumstances he had stated, he now meant to propose some Amendments of his own in the Bill, with a view to make it more after his own heart. He had not, however really believed that there was any serious intention of introducing such Amendments on the part of the coal owners as he had referred to; but he found from the Notice Paper that morning that an Amendment was to be proposed and supported by no less a person than the noble Duke the leader of the Conservative party in that House. Therefore, he now desired to substitute in clause under notice the words "12 years" for "10 years" in regard to the age of boys working in coal mines. When the Factory Acts were passed, children under 13 years of age were not to be exposed to a greater amount of labour than 5, or at most 5½ hours, under what was called the half-time system. In the present Bill, a principle totally the reverse of that was adopted; and children of the tender age of 10 years were to be called upon to sustain the amount of labour that was imposed on adults. The clause, indeed, said that no boy under the age of 10 should be employed, or allowed to be employed, belowground in any mine; he (the Earl of Shaftesbury), however, wished to raise the limit from 10 to 12, so that no boy under 12 should be allowed to descend a mine and be subjected to 54 hours in in the course of a week. He repeated that the half-time system under the Factory Acts applied to children under 13; but in this Bill there was no provision at all of that sort, and children between 10 and 12 years of age, if they descended the mine, were to be subjected to the same period of labour as adults. There was no doubt that the employment of children in factories was very arduous, because it required constant attention, was carried on in a heated atmosphere, and the children had to be continually on their legs; but let them contrast that with the labour they were going to impose on children of 10 years of age, and upwards, in coal mines. They were to descend at 7 o'clock in the morning into the solitude and darkness of the mine, and to remain in an atmosphere which was in most cases exceedingly oppressive; indeed, the children themselves described it as half-suffocating—and there was no doubt it was productive of great injury to their health. It would seem that no one had read the evidence taken on that subject in 1842 by the body of Commissioners sent out under a Royal Warrant. Mr. Austin, the Commissioner in North Lancashire, gave a most deplorable account of the children employed in mines—

> "'I wish,' said one of the mothers, 'you could see them come in, tired as dogs, and throw themselves on the ground like dogs. We cannot get them to bed.'"

Mr. Franks, Commissioner for the East of Scotland, wrote—

> "George Wright, aged 12, says—'Works with father, place wet; water comes up to my knees; work very distressing, being 300 fathoms from coal to pit bottom; makes me very sick.' Poor miserable object,"

says the Commissioner. Hundreds of similar instances might be quoted. [Earl Granville: That was 30 years ago.] But the system still prevailed exactly as it was then. True, they had removed the women and the girls; but the work now carried on by the boys was precisely what it was in former years, and the condition of the children was now precisely what it was in 1842. He only mentioned these things to show the kind of labour to which they were dooming children of tender age, and that it was the duty of Parliament not to suffer that children of tender years should be subjected to such heavy toil, until their strength enabled them better to bear it. It was pretended, as he understood, that in some mines the seams were so thin that they must have children only 10 years old to work them. That was just the old story that was urged in 1842; and he maintained that it was not a valid argument. Things might easily, he believed, be so managed as to admit of the seams being worked by persons of larger growth; but the coal owners would not do that, and left the thin seams as they were, saying they must be worked by these very young children. He had himself been down into some of those mines, and could tell their Lordships that nothing more miserable could be conceived than the conditions under which the children worked there. They never stood upright—everything was done on all-fours, or else lying on their backs. Was that a state of things to which they were to reduce boys of 10 years of age, and keep them 54 hour a-week at such intolerable labour? The Commisssoners in their Report in 1842 said—

> "There is, however, one case of peculiar difficulty—namely, that in which all the subterranean roadways, and especially the side passages, are below a certain height. By the evidence collected under this Commission, it is proved that there are coal mines at present in which these passages are so small that even the youngest children cannot move along them without crawling on their hands and feet, in which unnatural and constrained posture they drag the loaded carriages after them; and yet, as it is impossible by any outlay compatible with a profitable return to render such coal mines—happily not numerous nor of great extent—fit for human beings to work in, they never will be placed in such a condition, and consequently they never can be worked without inflicting great and irreparable injury on the health of the children."

There were many things to be considered in that matter; but he (the Earl of Shaftesbury) maintained that the grand and paramount consideration was the lives, the health, the morality, and the welfare of those children; and if the mines could not be worked except by exposing such young children to such enormous suffering, the mines ought to be shut up. But let the law forbid the working of those children in that manner, and the employers would find some other means of working the mines. The desire for profit was so strong in the human heart that it would be easy to devise a hundred other modes of working those mines, other than by imposing such cruel tasks on boys of 10 years of age. But they were going further, and requiring that those children should have 20 hours of education per week, in addition to their intolerable toil. With regard to that he would give them the opinion of an Inspector of Schools. He said in one pit 27 collier boys attended night school out of 80—the whole number at school. Could they wonder if, after toiling so long during the day, under circumstances so disadvantageous, they had no spirit or strength left for receiving their education? And what were the comments of the Inspector in reference to the remarks of teachers as to the causes of ignorance and irregular attendance at school? In one case, he said the mining parents were regardless of the welfare of their children; and that the boys themselves had no relish for school after being confined as they were in the mines. In another case, the Inspector of Schools, in his Return, said—

> "The boys attend badly; they are so drowsy after their work that it is difficult to gain their attention. When at school they are anxious to improve."

Why were these children to be treated differently from others employed in factories? He could conceive of no reason, and should therefore move the substitution of 12 for 10, merely surmising that if their Lordships resisted the Amendment, they would be standing in the way of the claims of humanity, and acting inconsistently with the spirit of modern legislation.

THE DUKE OF RICHMOND said, that the noble Earl opposite had referred to legislation which took place 30 years ago; but the state of things in 1842 was very different from what it was at present. He deprecated the personal allusions which the noble Earl had made to him and to the Amendments which were to be moved; and he thought it would have been well if the noble Earl had made himself more acquainted with them, for if he (the Duke of Richmond) understood the speech of the noble Earl aright, it was to the effect that the noble Earl moved his Amendment not because of anything contained in the Bill, but because of certain other Amendments given Notice of by the noble Duke himself dealing with other parts of the Bill. The reason was extraordinary, for the noble Earl seemed to infer that if these Amendments had not been placed on the Paper, he would not have concerned himself for the welfare of the children. As regards the Amendment, he (the Duke of Richmond) would refer to the assertion of Mr. Gathorne Hardy, who had had great experience in mining property, that the children employed in thin seam mines were not less developed than children employed in factories, and that the falls of coal were light and easily managed by children.

THE EARL OF MORLEY said, no one would fail to sympathize with the object the noble Earl had in view, but he had utterly misunderstood the drift of the Bill. It was a mistake to suppose the Bill would allow 10 hours' work a-day and give 20 hours' instruction in the week beside. The noble Earl appeared to have taken no notice of Clause 5, which should be read with Clause 4; and, so read, provided that no child under 12 should be employed in mines, except under certain circumstances prescribed by Clause 5, and subject to certain provisions for their education laid down in Clause 8. The exceptions referred to thin seam mines, which were few in number, in which the fall of coal was light, and where the work was not continuous. The subject had been much discussed in the other House; it had been the subject of a compromise between those interested; and he hoped the settlement come to would not be disturbed by the pressure of the noble Earl's Amendment.

THE MARQUESS OF SALISBURY protested against the assumption made by the noble Lord opposite and noble Earl, that this was merely a question between the employers and the children. There was another important question which related to the consumers of coal. He had been informed by the manager of one of the largest collieries in the country, that the effect of this Bill would be to diminish the output of coal by 18 per cent—that was, it would increase the cost of coal by 18 per cent; and coal being now at 35*s.* per ton the price would be raised to 42*s.* when the Bill was passed. Surely, that was a sufficient reason for not weighting coal with any heavier weight, such as the restriction of the noble Earl would put upon it. He was afraid the noble Earl, in his wide philanthropy, had not sufficiently considered the probable sufferings of a large class—the poor people who would suffer from the high price of coal during the coming winter—a far larger class than the one he desired to benefit. It was desirable to impose reasonable limits on the labour of children, but such an end must be reached gradually, and we must not show a cruel kindness which would do more harm than good.

LORD KINNAIRD said, that the rise in the wages of miners recently had been only 10*d.* per ton, but the masters had raised the price 5*s.*; and he observed that a large coal owner had declared—and he had heard it with some surprise—that the Bill would add to the expense of working coal, and the owners would take care that the consumers were made to pay for it. He hoped that the noble

Earl would withdraw the Amendment. As the Bill was altogether a compromise between the employers of labour and the miners, he trusted no serious Amendment would be made upon it, though he did think it would be very desirable to raise the age from 12 to 13 years.

Lord DUNSANY reminded their Lordships that, though the rise of wages might have had little direct effect upon prices, it had a large indirect share in that increase, because it had made the colliers idle, many of them working eight days in a fortnight, instead of eleven.

The Earl of SHAFTESBURY said, in reply to the noble Marquess opposite (the Marquess of Salisbury), that his Amendment would have hardly any effect upon the quantity of coal raised, the number of thin seam mines being very few. However anxious their Lordships might be to attend to the interests of the consumer, yet if it could be shown that the mental, moral, and physical welfare of children depended on a certain restriction, that restriction must be made, even though the mines were thereby closed altogether. He was confident, however, that means would in any case be found by the owners to work the mines. As the Bill was a tentative one, he would, however, withdraw his Amendment, merely premising that their Lordships would not expect him to pursue the same course with his other one.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 5 (Employment of boys in mines).

The Earl of SHAFTESBURY proposed, after Clause 5, to insert the following clause:—

"A boy under the age of thirteen shall not be employed or be allowed to be for the purposes of employment in any mine to which this Act applies below ground, unless a surgical certificate has been given by a person qualified to give surgical certificates for the purposes of the Factory Acts, to the effect that the boy has the ordinary strength and appearance of a boy of the age required under this Act, in the case of such mine, and that he is not incapacitated by disease or bodily infirmity from working for the times allowed under the provisions of this Act.

"The provisions of this Act as to the registration of school certificates, and as to the forging or counterfeiting of and other offences relating to school certificates, shall apply to a surgical certificate under this section."

Lord Kinnaird

The noble Earl said, the provision would be some protection to the child, though it might be but a scanty one.

The Earl of MORLEY opposed the Amendment, on the ground that the proportion of boys employed under 12 would be infinitesimally small, and that there was no machinery in the Bill for carrying out the system of examination; and the certificates, even if obtained, were not very valuable.

The Earl of SHAFTESBURY replied that, though the certificates might be at fault in respect to the age, they would show whether there was any bodily infirmity to incapacitate a boy for going down into the mine.

Clause *negatived.*

Clause 6 (Employment of male young persons in mines).

The Earl of MORLEY in moving in page 2, line 11, to leave out ("no") and insert ("a"); in line 12, to leave out ("no") and insert ("a"); and in line 13, after ("shall") to insert the word ("no"), said, the object was to make the language of the clause as nearly as possible the same as that of a similar provision in the Metalliferous Mines Bill.

Amendments *agreed to.*

The Duke of RICHMOND moved, in page 2, line 15, to leave out ("fifty-four") and insert ("fifty-six"), as the maximum number of hours during which youths under the age of 16 should be allowed to work underground per week. He claimed the support of noble Lords opposite, on the ground that it was the original proposition of Her Majesty's Government. If 54 was retained this difficulty would arise—The number of hours per day was restricted to 10, which for five days would give 50 hours. Four hours, therefore, only would remain, and he was advised that it would be impossible to work a mine for so short a period. Thus the sixth day would be altogether lost. He therefore thought it right that 56 should be inserted in place of 54.

The Earl of MORLEY said, that it would be impossible for the Government to guarantee the acceptance of the Amendment by the other House of Parliament. Fifty-four hours a-week were nine hours a-day for six days, and it was notorious that now a great many men throughout England were working for that time. The clause, moreover, referred to young persons under 16 working underground.

THE EARL OF SHAFTESBURY said, that the great mass of the mining population were very anxious that 54 hours should be distributed over the six days of the week, which was nine hours a-day. The House of Commons had sent up to their Lordships a great remedial measure, and, beating the Government, had declared that 54 hours ought to be the limit of toil imposed upon children under 16. Would it be becoming, therefore, that their Lordships should stand out in opposition to the humane feeling of the House of Commons? Their Lordships would do more to create disaffection in the mining population by such a course than by any other which they could adopt. Two hours of toil, more or less, was a thing that should not be talked of lightly. He would say that the moral effect of this House declaring that it would go beyond the House of Commons in imposing an amount of toil upon the people of this country would be the worst possible.

THE MARQUESS OF BATH said, that this was not a question either of humanity or popularity, but simply of justice. It was not for noble Lords to urge upon their Lordships to take a popular view in a case in which the Members neither of that nor of the other House had the slightest interest. The noble Earl opposite (the Earl of Shaftesbury) went on to talk of this House imposing two additional hours of work on the mining population. But that was not the way to look at the matter. The fact was, that their Lordships were asked to prevent these poor men from earning two additional hours' wages by means of their children's labour. By doing so they imposed a law upon the country which destroyed trade, and was subversive of liberty.

LORD CAIRNS said, that this was not a question of the Members of their Lordships' House seeking to impose a maximum of work on the mining population; but that it was the duty of this House to do what was right. He doubted very much whether any of their Lordships had any personal interest in the matter, and thought the noble Earl opposite (the Earl of Shaftesbury) was fond of assuming that he stood alone in the cause of humanity, and unless everyone agreed with him the moment he proposed anything, that they were oppressors, and that he was the sole guardian of the interests of the people. ["Hear, hear!"] It was no doubt right that young people should have as light a task as could possibly be assigned to them. But the case was this—They were giving the power of working these young persons for 10 a-day during the first part of the week, and it was stated that it was not worth while to open the pits for four hours' work. In fact, the pits could not be opened for the adults unless they were attended by the younger persons. Therefore, by retaining 54 hours their Lordships ran the risk of throwing impediments in the way of opening the mine at all on the sixth day of the week. He thought, however, his noble Friend would do well by not going to a division on this point, as the subject had not probably been so fully considered by their Lordships as it had by the other House.

THE EARL OF SHAFTESBURY said, the noble and learned Lord (Lord Cairns) had charged him with arrogating to himself a monopoly of humanity in that House, and he believed the noble and learned Lord said elsewhere also. He was sorry to hear that statement of the noble and learned Lord received with cheers by their Lordships. But the noble Lord was a lawyer, and he believed that a lawyer was entitled to say anything he liked, whether founded or unfounded. He (the Earl of Shaftesbury) most solemnly declared that he had not arrogated to himself a monopoly of humanity either in that House or elsewhere. He had seen a great deal that caused much suffering, and, by God's blessing, he had done his best to remove it; and he did not think that at the close of his life he should be told in the House of Lords by a distinguished Member of it that he arrogated to himself a monopoly of humanity.

LORD CAIRNS said, that no person admired more than himself the great efforts which had been made by the noble Earl on behalf of humanity. As to the charge which the noble Earl had made against lawyers, he did not think it necessary to make any defence.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 7 (Regulations as to employment of boys and male young persons).

THE DUKE OF RICHMOND moved, as an Amendment, in page 2, line 22, after ("of") to insert ("the first of any group or shift of boys"); and in line 23, after ("of") to insert ("a signal, to be defined by the special rules of the mine, being given for"); and in same line after ("surface") insert ("after which signal the whole of the said group or shift shall cease work, and shall return to the surface without delay.") The noble Duke observed that by the Bill boys could be employed only a certain number of hours in the day; and by the clause, if a boy on returning to the surface from the pit should be delayed beyond the allotted time through coming up last the owner would be liable to a penalty. In some mines the distance from the bottom to the surface was very considerable. He therefore proposed, with the view of relieving the owner of a mine from penalties in the case of boys being detained in a mine beyond the time designated by the Bill during which they should be employed, that the boys employed in a mine should be counted in groups, so that the last who arrived in a group should, for the purpose of avoiding the penalties in question, be deemed to have arrived at the surface as early as the first of that group. He was decidedly of opinion that it would be impossible to carry out the clause as it stood.

Amendment *moved*, after ("of") line 22, to insert ("the first of any group or shift of boys.")—(*The Duke of Richmond.*)

THE EARL OF MORLEY said, that in many mines there were no means of giving any such signal as that proposed in the Amendment. He admitted that the clause was not perfect. The average time should be taken; and mine owners would be protected by this—that proceedings could be taken against them only by Inspectors, with the sanction of the Home Secretary, so that proceedings would not be taken in any trivial case.

THE DUKE OF RICHMOND thought that it was not right that mine owners should be exposed to the consequences of this highly penal clause at the option of a Secretary of State and the Inspector in a case where, perhaps, there was no real fault.

THE MARQUESS OF RIPON urged that the clause was sufficiently guarded.

LORD CAIRNS also thought it objectionable to make a regulation which could not be strictly complied with, leaving it to the Home Secretary and Inspector to enforce the penalty or not. He suggested that the time might be reckoned from the hour of the first shift leaving the surface to the hour of the first shift returning to the surface, and that all the other shifts should stop work when the first shift was sent up.

THE EARL OF MORLEY could not accept the suggestion, for it would not compel the manager to bring up all the shifts, and there would be no security for work being stopped.

On Question, Whether to insert? Their Lordships *divided*:—Contents 24; Not-Contents 30: Majority 6.

Resolved in the *Negative.*

Clause *agreed to.*

Clauses 8 to 11, inclusive, *agreed to.*

Clause 12 (Employment of women, young persons, and children above ground about mines).

THE DUKE OF RICHMOND, in moving in line 36, to leave out ("six") and insert ("eight") said, he objected to the rule that women and children employed aboveground should be allowed one and a-half hours for refreshment during every period of labour exceeding six hours. The effect would be that in case of six and a-half hours' labour one and a-half hours would be deducted for meals, leaving only five hours' actual work. Such a rule could not be essential to health with regard to work aboveground.

THE EARL OF MORLEY was willing to accept the Amendment modified, so as to afford to any woman and child half-an-hour's interval during every period of five hours' work, and one and a-half hours' interval for every period of eight hours' work.

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

Clauses 13 and 14 *agreed to.*

Clause 15 (Penalty for employment of persons contrary to Act).

THE DUKE OF RICHMOND moved in page 7, line 5, after ("agent") to leave out ("and") and insert ("or"); in line 6, to leave out ("each"); in line 7, after ("if") to insert ("he shall");

and in line 8, after ("had") to leave out ("taken all reasonable means by publication and enforcement of") and insert ("published and taken all reasonable means to enforce"). The noble Duke said, it seemed to him that the provisions therein embodied were of the most extraordinary character. He had always understood that every man was assumed to be innocent till it was proved before a competent tribunal that he was guilty; but in the clause the owner, agent, and the manager of the mine were selected for prosecution as guilty of an offence which somebody else might have committed. That was a subversion of the usual course of legislation, and rather a violent innovation. The possibility of making three different persons responsible was conferring too much latitude. If the noble Earl would turn to the Factory Acts he would find that the occupier was the only person proceeded against criminally.

THE EARL OF MORLEY said, that the language objected to by the noble Duke had been introduced into the clause on the Motion of a former Colleague of the noble Lord. An accident might arise from the negligence, in different degrees, of the owner, the agent, and the manager; and it would be a great error if only one of those parties was held liable. He trusted that their Lordships would maintain the clause as it stood.

LORD CAIRNS supported the Amendment, and pointed out that if the owner, agent, or manager were not found guilty constructively, they might go scot free. Their responsibility should be better defined. If an accident should take place from the violation or neglect of these rules, was the owner to be responsible if he found that the rules had been frustrated? Or how was he to prove that all reasonable precautions had been taken? In what method was the proof to be established? He would move the addition of certain words in order to remove difficulties that might otherwise occur in the working of the clause.

THE EARL OF MORLEY accepted the words proposed by the noble and learned Lord, on the understanding that they should be subject, if necessary, to revision on the report.

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

Clauses 16 to 51, inclusive, *agreed to.*

PART II.—RULES.

General Rules.

Clause 52 (General rules).

THE DUKE OF RICHMOND moved, in page 28, line 5, after ("same") add—

("and the said report shall be kept according to the form in the Schedule annexed to this Act; and the owner or agent of every coal mine shall transmit to the inspector of the district at the beginning of each month a report for the preceding month in the above-named form.")

THE EARL OF MORLEY said, the perusal of the Reports suggested by the noble Duke would impose an immense amount of additional work upon the Inspectors, and the Reports themselves would be of very little practical utility.

THE MARQUESS OF SALISBURY thought that some such Reports should be furnished, at a reasonable interval, say four times a-year, and these would impose no unreasonable amount of labour upon the Inspectors. Perhaps the noble Earl would think over the matter, and see whether he could not adopt the suggestion in some shape upon the Report.

THE EARL OF MORLEY would be happy to consider the suggestion, but doubted whether it could be adopted.

Amendment (by leave of the Committee) *withdrawn.*

Clause verbally amended, and *agreed to.*

Special Rules.

Clause 53 (Special rules).

THE DUKE OF RICHMOND pointed out that the clause exempted from penalties owners, agents, and managers who had taken all reasonable precautions against explosions, while the Proviso prevented the operation of the exemption. He moved the omission of such Proviso.

THE EARL OF MORLEY said, the managers of a railway company might lay down stringent rules with reference to the working of points and signals, but those rules might not be enforced, and a serious accident might happen in consequence; and yet, in any inquiry that followed, the railway company might try to shield themselves from responsibility by appealing to the stringent rules they had laid down. It was to prevent such a course of action as that that the provision had been inserted.

THE LORD CHANCELLOR pointed out that the rules must not only be published but enforced in order to secure the advantage of the exemption.

The Duke of RICHMOND said, he was still of opinion that the words ought not to remain, and expressed his intention to adhere to his Amendment.

The Earl of MORLEY would not press his objection.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 54 to 56, inclusive, *agreed to.*

Clause 57 (Neglect to make special rules).

The Earl of MORLEY moved the omission of the word "manager" from the exempting Proviso of the clause. The object of the clause was to make provision for special rules, and the manager ought to be rendered absolutely liable if these rules were not made.

The Duke of RICHMOND objected to the Amendment. All through the Bill the three persons dealt with were the owner, agent, and manager, and none of them were held liable if they proved that they had taken all reasonable means for carrying out the provisions of the Act. Why, then, should the manager be struck out of this exempting Proviso?

The Earl of MORLEY said, he would not press the Amendment.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clauses 59 and 60 *agreed to.*

Part III.—Supplemental.

Penalties.

Clause 61 *agreed to.*

Clause 62 (Imprisonment for wilful neglect endangering life or limb).

The Duke of RICHMOND moved, in page 37, line 18, after ("section") insert—

("or by which conviction the sum adjudged to be paid amounts to or exceeds half the maximum penalty.")

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

Schedules *agreed to.*

Report of Amendments to be received on *Tuesday* next; and Bill to be printed, as amended. (No. 255.)

The Lord Chancellor

WILD BIRDS PROTECTION BILL.

(The Earl of Malmesbury.)

(No. 248.) second reading.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^a."—(*The Earl of Malmesbury.*)

Lord CAIRNS said, he could not understand why some wild birds were put in the Schedule of this Bill while others were excluded.

The Earl of KIMBERLEY thought the swallow, marten, swift, and skylark should be protected. He also favoured protecting the barn owl. He understood thrushes and blackbirds had been excluded on account of their being destructive to fruit.

Lord CAIRNS protested against unnecessary legislation. He did not believe there was any wholesale destruction of swallows.

The Earl of LONGFORD suggested the postponement of the Bill till next Session.

The Duke of ARGYLL did not believe there was a single insectivorous bird which was not useful to man. He did not see why all birds should not be protected during the breeding season.

The LORD CHANCELLOR feared that many persons would incur penalties through ignorance, cockney sportsmen not knowing what birds they destroyed.

Motion *agreed to;* Bill read 2^a, and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned at a quarter before Eleven o'clock to Monday next, Eleven o'clock

HOUSE OF COMMONS,

Friday, 26th July, 1872.

MINUTES.]—Select Committee—*Report*—Game Laws [No. 337].

Public Bills—*First Reading*—Pensions Commutation Act (1871) Extension * [275]; Registration of Births and Deaths * [272]; Appointment of Commissioners for taking Affidavits * [277].

Second Reading—Public Works Loan Commissioners (School Boards Loans) * [266]; Turnpike Trusts Arrangements * [256]; War Office (Pensions) * [252].

Committee—Intoxicating Liquor (Licensing) [198]—r.p.; Greenwich Hospital * [253]—r.p.

Committee—Report—Ecclesiastical Dilapidations Act (1871) Amendment * [269]; Boundaries of Counties (Ireland) * [267]; Royal Military Canal Act Amendment * [270].

Committee—Report—Considered as amended—Bankruptcy (Ireland) Amendment (*re-comm.*) * [227].

Report—Local Courts of Record * [259-276].

Considered as amended—Military Manœuvres * [251]; Municipal Corporations (Borough Funds) * [138]; Statute Law Revision * [283].

Third Reading—Countess of Mayo's Annuity * [268]; Parish Constables Abolition * [255]; Treaty of Washington * [260]; Debtors (Ireland) * [228]; Drainage and Improvement of Lands (Ireland) Supplemental (No. 3) * [265], and *passed*.

Withdrawn—Spirituous Liquors (Retail) * [11]; Intoxicating Liquors Law Amendment * [62].

The House met at Two of the clock.

IRELAND—THE ANTRIM ARTILLERY—LORD MASSEREENE.—QUESTION.

MR. MAGUIRE asked the First Lord of the Treasury, If his attention or that of the Irish Executive has been called to the statement made in certain of the Irish newspapers to the following effect: that Lord Masserene, now in command, as Major, of the Antrim Artillery, granted permission to some 300 members of that Regiment to attend an Orange celebration held in his Lordship's park on the 12th of July; that on the evening of that day his Lordship harangued the men of his Regiment from the officers' quarters of the barrack in which they are stationed; that he ordered the band of the Regiment to play up the party air "Protestant Boys;" that four of the Catholic bandsmen laid down their instruments and refused to comply with his Lordship's command, but that the tune was performed nevertheless; whether it is not the fact that one-third of the Regiment in question consists of Roman Catholics; and whether the Irish Executive has instituted inquiries to ascertain if these statements are well founded, and, if so, what course the Government propose to take in the matter?

MR. CARDWELL: Sir, the general officer commanding in Ireland has inquired into the circumstances of this case, with the following result:—About 200 men of the Antrim Artillery received leave of absence for the 12th and two following days. All, although there was an Orange celebration in Lord Massereene's park at the time, were cautioned not to attend Orange meetings, and no report had reached Lord Sandhurst of misconduct on the part of any of them during their absence. The leave was given without inquiry as to religion, and it appeared that some who obtained leave were Roman Catholics. This leave was not given by Lord Massereene, but by the next senior officer, Lord Massereene having only arrived from London on the evening of the 11th. Lord Massereene did not harangue the men of his regiment from the officers' quarters or from any other place. He did address a purely civilian party, who on their return from a party-meeting, stopped opposite the mess-room windows. He recommended them to disperse quietly, which they did. In the mess-room a party tune, called "Protestant Boys," was commenced at the request of some of the guests, with the sanction of Lord Massereene, but was stopped after a few bars had been played on the representation of the bandmaster that it was distasteful to some of some of the band. The latest return that I have of the numbers of the regiment shows 146 Roman Catholics out of a total number of 495.

ARMY—CAMP AT HARWICH.

QUESTION.

COLONEL LEARMONTH asked the Controller in Chief, Whether he is aware that the tenant of the field, adjoining that on which the Camp is about to be formed at Harwich, has refused the use of it for the purposes of drill, although the field is the property of the War Office; and, whether he is not aware that this refusal of the use of the ground will seriously interfere with the training of the troops on this occasion?

SIR HENRY STORKS: The property in question is let subject to troops having free access to it for drill, exercise, and athletic purposes, except between the 19th of March and the 30th of June in each year. I have had no official intimation that the use of the ground for drill purposes has been refused. In reference, however, to a private communication, the Commanding Royal Engineer has been already directed to point out to the tenant the right reserved to the War Department respecting the drill of troops. If the tenant objects to fulfil the condition of his holding, the Commanding Royal Engineer will be instructed to enforce the right of the War Department.

ARMY—ARMY RESERVE FORCE.
QUESTION.

Mr. EYKYN asked the Secretary of State for War, If the statement is correct that it has been decided that men who have attached themselves to the Army Reserve may, notwithstanding, enter the Metropolitan Police Force, and in addition to the pay of the Police, they are to receive their daily pay and annual allowances for necessaries as members of the Army Reserve Force; and, if there is any limitation of the number to be so admitted into the Police Force?

Mr. CARDWELL: Sir, it has been the object of the Government to find civil employment, wherever possible, for those who have served in the ranks and joined the Army Reserve. With this view the Postmaster General has given them a preference for employment as rural letter carriers, and the Home Secretary has laid down a rule that a number not exceeding 500 may be admitted into the Metropolitan Police.

THE TRINITY HOUSE — DISMISSAL OF MR. BEAZELEY.—QUESTION.

Mr. EASTWICK asked the President of the Board of Trade, If it is a fact that Mr. Beazeley has received notice of dismissal from the Trinity House for delivering a lecture on Fog Signals at the United Service Institution; and, if so, whether there is any chance of that measure being reconsidered?

Mr. A. PEEL said, that Mr. Beazeley had written to the Board of Trade stating that he had received notice of dismissal, and attributing it to the cause mentioned in the Question put by the hon. Member. The Board of Trade replied that it had nothing to do with the internal discipline of the Trinity House, or with the management of the officers of that establishment; and that, although they fixed its salaries, and had jurisdiction in respect to pensions, yet its sanction was not required for the appointment or dismissal of any of the officers of the Trinity House.

INTOXICATING LIQUOR (LICENSING) BILL.—(*Lords.*)—[Bill 198.]
(*Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 23rd July.*]

Bill *considered* in Committee.

(In the Committee.)

Offences against Public Order.

Clause 14 (Penalty for keeping disorderly house).

Mr. CAWLEY moved, in line 12, to leave out the word "knowingly." He objected to the word "knowingly" on the ground that it would have the effect of introducing a means by which the clause could be evaded. To make the clause clear, therefore, he would move that the word be omitted. One of the objects of the clause was, that no improper use should be made of the premises, and the omission of the word to which he objected was, therefore, of great importance to carrying out the object which the framers of the Bill had in view.

Mr. CANDLISH said, that if the word "knowingly" remained in the clause, it would only be for every licensed victualler to avoid making any inquiries in order to evade the penalties. If, however, the word were struck out the publican's interest would lie in the opposite direction, and he would then be most anxious to know whether his customers were of the class referred to in the clause, and would be induced to use the greatest circumspection in the management of the house.

Sir HENRY SELWIN-IBBETSON considered that the clause should be left as it stood, because it was not intended to impose penalties beyond the ordinary intention of Acts of Parliament. Moreover, it should be borne in mind that publicans would be clearly liable for the acts of their servants.

Mr. BRUCE contended that the word "knowingly" was always inserted in Acts of Parliament where "wilfully" was intended. He had had repeated communications with police magistrates during the last three years, and they had never suggested that any difficulty arose from the word "knowingly" being inserted in an Act of Parliament. He felt satisfied that if persons belonging to the unfortunate class were in the habit of going to the house of a publican, and that they were known to the servants of the publican as prostitutes, that knowledge would be sufficient to implicate the master. Considering, too, the severity of the penalty, he thought the word should in all cases be retained.

Amendment, by leave, *withdrawn.*

MR. MUNTZ moved, in line 13, to leave out the word "reputed," because it gave the opportunity to policemen to insult respectable females. A woman was either a prostitute or she was not one; but the decision upon that point ought not to be left to the discretion of the police.

Amendment proposed, in page 5, line 13, to leave out the word "reputed."—(*Mr. Muntz.*)

SIR HENRY HOARE said, he should support the Amendment, and he did so because if the word "reputed," as applied to prostitutes, was allowed to remain in the clause, it would place more power in the hands of magistrates and the police than they had at present, and that, he thought, was undesirable.

MR. FOTHERGILL also supported the Amendment. He was not one of those who always abused the police, and he thought that the police, as a rule, did their duty very well; but they were only human, and therefore liable to the frailties of mankind, and he was not in favour of trusting too much to their discretion. Very serious annoyances might occur, in consequence of young and inexperienced policemen assuming on authority that they ought not to possess.

MR. HENLEY thought that if the word was struck out it would be very difficult to get any convictions at all without proving cases of actual prostitution, and it would not be desirable to do that. The clause, in his opinion, as drawn by the Government was much the best, and he had no doubt that if the clause were allowed to remain as it was, it would work fairly for all parties, for the police, who were always careful in these matters, would take care to be possessed of very good knowledge before they interfered with any respectable person's freedom.

MR. BRUCE said, he could not accept the Amendment, for the reason that no clause in this Bill had given the Government more trouble to prepare, and they considered they were fully justified in inserting the word "reputed," as it would give an immensity of trouble if on every occasion the police had positively to prove that the person was a veritable prostitute; but "reputed" was well understood both by magistrates and police, and existed in several criminal Acts of Parliament.

MR. H. B. SAMUELSON opposed the retention of the word "reputed" in this clause. He would like to know what the exact meaning and intention of the clause was. If a woman was disorderly in a public-house and annoyed other quiet customers by her conduct, the provisions of the Bill would apply to her as well as to other disorderly persons, and she ought not to be allowed to remain there; but if she was orderly the use of the word "reputed" would be no reason for expelling her, or subjecting the keeper of the public-house to a fine, simply because she was a customer. The clause as it stood was alike unjust to the customer and the licensed victualler, who, in the majority of cases, could have no knowledge whatever of the fact whether a female customer at his bar was, or was not, a "reputed" prostitute.

MR. HARVEY LEWIS hoped the Committee would strike out the word "reputed." If it was retained it would enable the police to take up any women they pleased, on the pretext that they were "reputed" prostitutes; and any conviction subjected the licensed victualler to a fine of £10 for the first, and £20 for the second conviction, which, with other endorsements on the license, might lead to a forfeiture of the license. How was a licensed victualler to know whether a casual customer was a "reputed" prostitute or not? Yet if he did not, and the police under this clause secured a conviction, he would be liable to one of those cumulative penalties which would exhaust a fortune and lead to wholesale confiscation. It was a penal clause so far as the word "reputed" was concerned, and he should divide with the hon. Member for Birmingham (Mr. Muntz).

MR. CANDLISH said, if the word was struck out of the clause there would be extremely little left of it. A licensed victualler could not know whether of all the customers who entered his house, some were "reputed" prostitutes or not. They ought not to throw the onus upon him in such a case, and if the word was struck out the clause would be entirely useless.

Mr. GOLDNEY said, the object of the right hon. Gentleman the Home Secretary in inserting this clause was perfectly clear. He wished to draw a distinction between well-known brothels—houses where women of the unfortunate class habitually assembled—and those houses which "reputed" persons of that class occasionally frequented, and to discourage the licensed victuallers from supplying such customers.

Mr. LOCKE asked what was the meaning to be attached to the words "reputed prostitute?" Did "reputed" mean that women were habitually, or only occasionally, to be classed under that name? If the former, the word "reputed" ought not to be introduced in the clause. It was unmeaning and unnecessary. If the latter, it gave the police a power which he should be very sorry to entrust them with. Some women might be the most amiable creatures in the world, but if somebody chose to give them a bad name, and a policeman—a serious policeman—saw such a woman, a well-dressed woman, coming out of a public-house, he might be possessed by the notion that, because she was clothed in showy raiment, she was a "reputed," not an habitual prostitute, and subject to the police supervision and interference authorized by this clause. Surely there should be some evidence, some facts to go upon, before a licensed victualler was taken before a magistrate to answer a charge under this clause. He thought the word dangerous, and should vote for its omission.

Mr. BRUCE said, the argument of the hon. Member for Southwark (Mr. Locke) did not touch this clause at all, nor the Amendment of the hon. Member for Birmingham (Mr. Muntz). The clause was in fact meant to draw a broad distinction between houses known to be brothels and houses only occasionally frequented by persons of whose "reputed" character evidence would have to be given before the magistrate, which could leave no doubt in the mind of any reasonable person—such as soliciting in the streets, being seen coming out of houses of ill-fame, and so on. No practical difficulty whatever could arise from the presence of the word "reputed" in the clause.

Mr. MUNTZ said, he was extremely sorry to divide the Committee upon the subject; but his own experience on the bench as a magistrate at Birmingham had shown him that women could be charged by the police as being "reputed" prostitutes, when, to his own knowledge, they were respectable married women.

Mr. DODSON said, hard cases made bad laws, and the instances which had been referred to by the hon. Member for Birmingham from his own experience, should not induce the Committee to strike out an important word from a practical clause. There was a somewhat similar provision to this in the Prevention of Crime Act, which was passed last year. In that Act there was a clause making it penal to harbour thieves or reputed thieves, and he was not aware that any difficulty had arisen through the operation of the clause.

Mr. MELLOR said, as a magistrate at Ashton he had had similar experience to that of the hon. Member for Birmingham, and he should therefore vote for the omission of the word "reputed."

Mr. RUSSELL GURNEY said, that neither the hon. Gentleman who had just spoken, nor the hon. Member for Birmingham (Mr. Muntz) had informed the Committee as to what decision the magistrates gave in the cases they had referred to.

Sir HENRY HOARE said, he had been reminded, and he therefore wished to remind the Committee, that the reputation of a woman was more easily attacked and less easily defended than that of a man, particularly when it was dishonesty of which the man was accused.

Mr. CHARLEY wished to point out to the Home Secretary, that if a woman were seen soliciting in the streets, there could be no doubt that she was a real and not a reputed prostitute.

Dr. BREWER hoped the word "reputed" would be retained, or otherwise the most objectionable practices would be resorted to in order to prove actual prostitution.

Question put, "That the word 'reputed' stand part of the Clause."

The Committee *divided*:—Ayes 161; Noes 35: Majority 126.

MR. WATNEY said, he desired to exempt the licensed person under this clause from penalty, unless he allowed prostitutes to remain longer than necessary to obtain refreshment. This 14th clause must be taken in connection with the following, which imposed a penalty for permitting premises to be used as a brothel. He thought the former clause open to great misconstruction, as it must be taken to mean that if a woman went into a public-house not for the purpose of pursuing her calling, but simply in order to obtain refreshment, the publican would be subjected to a heavy penalty. In London it had been decided that women, whatever their character, had a perfect right to go into a public-house and obtain the necessary refreshment. With a view to bring the clause into unison with that practice, he would move as an Amendment, in line 13, after the word "prostitutes," the insertion of the words, "providing that he allows them to remain longer than necessary to obtain refreshment."

SIR HENRY SELWIN-IBBETSON said, he had an Amendment upon the Paper upon the same subject, and he feared that the adoption of the words under notice would practically defeat the object of the clause. His opinion was that the clause, as now worded, would carry out the object of the Government; but as it would be liable to be misinterpreted occasionally, he should presently propose to amend it in such a way as not to destroy the vitality of the first part of the clause.

MR. FOTHERGILL said, that however painful it might be to hon. Members to argue the case of these poor unfortunate women, it must after all be remembered that prostitutes were human beings, and how were they to obtain refreshments, if not in public-houses? Some pity should be shown them. In his opinion the whole tone of this legislation was very cruel.

MR. MELLY said, the last speaker, who resided at Merthyr Tydvil, could hardly be expected to perceive the object and meaning of the clause to which the people of Liverpool attached the utmost importance. In that town prostitutes habitually congregated in public-houses for the purpose of carrying on their trade. As a Liverpool magistrate he had had on six or seven occasions to commit publicans; but the convictions were overruled, on the ground that the parties met together for the purpose of refreshment. Placards were put up to this effect—"No lady can come here who does not buy a sandwich and glass of beer, and no one can stay more than ten minutes." In consequence of that notification it was impossible to convict. He should be the last man to prevent these unfortunate women from obtaining refreshment in any licensed victualler's house; but the object of the clause was to prevent the habitual gathering together of prostitutes. The Government had introduced words in the clause to meet the necessities of the case, because it was exceedingly difficult to prove the offence of prostitution. Everyone knew what took place. They saw people going away in cabs, and they perfectly well knew what was their object. If the Committee were in any way to alter this clause it would be valueless.

MR. VERNON HARCOURT said, he did not, like the hon. Member for Merthyr Tydvil (Mr. Fothergill), feel that it was difficult or unpleasant to speak on behalf of any class of Her Majesty's subjects. He thought that these unfortunate women were as much entitled to the just consideration of the House of Commons as any other class, and he entirely declined to be bound by the Liverpool experience of the hon. Member for Stoke (Mr. Melly). If there had been any town which had done harm to this question, it had been the town of Liverpool. It first went into the violent extreme of Free Trade, and now it was going into the violent injustice of restriction. They had established an unfortunate example in one direction, and it seemed that their policy was equally unfortunate in the other. He protested against the whole framework of this clause. He should like to know what was a "reputed prostitute." A woman was either a prostitute or not, and he protested against such language as that employed in this clause. It provided that any licensed person who knowingly permitted his house to be the habitual resort and place of meeting of reputed prostitutes was liable to be convicted. If a person came into his house and took refreshment, and somebody said that the person was a reputed prostitute, the man was to have a conviction recorded against him. ["No!" An hon. MEMBER: Habitual resort.] Supposing a woman came in every day—and why should she not? The hon. Member for Stoke said that the women were suffered to solicit. In that case the object was prostitution, an offence which had been dealt with in a separate clause; and therefore it was perfectly plain that the words which had been put in, excluded the notion that the object was prostitution. But whatever the object of the words, they seemed to him unjust, and therefore he should vote against them.

Mr. BRUCE said, that the words of the existing law were—"knowingly permitting and suffering persons of notoriously bad character to assemble and meet together." Nothing was said about their meeting for the purposes of prostitution, or prosecuting their vocation; but the Judges had put that gloss upon the clause. The result was, that this city and other cities abounded in places where these women congregated for the purposes of their immoral and most injurious vocation, and under the circumstances the law was utterly incompetent to deal with them. He had had deputation after deputation from the inhabitants of certain parts of London, complaining of the state of the law, and calling upon the Government to take the requisite means to amend it. It was, therefore, absolutely necessary to introduce words to negative the construction put upon the Act by the Judges; and it was for that purpose that these words were inserted, and they must trust to the discretion of the magistrates who had to enforce the law. The difficulties of proving that women were met for prostitution were great and almost insuperable, and the clause in the existing Act, which was intended to preserve public morals and public decency, had been totally ineffective; and if these words were inserted, the present clause would be ineffective for the purpose also. No doubt, the clause might lead to occasional hardship; but the question for the Committee to decide in this, as in many other cases was, whether, in the interests of public morality, order, and decency, they would run the risk of inflicting an occasional hardship, which in this case would simply be a refusal of refreshment, which might tend to throw an obstacle in way of these women pursuing their miserable trade. If the words to which objection had been taken by the hon. and learned Member for Oxford (Mr. Harcourt) were left out, the clause would be utterly useless, and the scandalous and disgraceful scences which were now going on in this and in many other towns must contiune.

Mr. J. LOWTHER wished to point out to the Committee that the unfortunate class with whose rights and privileges they were now dealing were not the only class concerned. The public-house keeper was placed in a position of serious responsibility. This clause was governed by Clause 18, which defined the class of persons whom the landlord might turn out and refuse refreshment. He might refuse to admit any person who was

> "Drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under the Act."

If, therefore, the attention of the publican was drawn to the presence of one of these persons, it was a question whether or not under Clause 18 he had power to turn her out. He (Mr. Lowther) believed that he had no such power, but at the same time should like to know whether his license would be jeopardized if he did not do so. It would be said, no doubt, that a mere isolated case would not be sufficient, and that the penalty would only be imposed when the same house was habitually resorted to. But everything must have a beginning, and at what stage was the public-house keeper to exercise the duty thus cast upon him by statute, of deciding as to the quality of his customers, and of stamping with his own *ipse dixit* a woman as of infamous reputation. Could there be anything more monstrous than a public-house keeper thus constituting himself a judge of the mode of life of his customers, and was it not a nice position to place a licensed victualler in?

Mr. BRUCE: He has that power under the existing law.

Mr. J. LOWTHER said, he understood this to be a Bill for improving the law, and not for stereotyping a monstrous abuse.

Mr. BRUCE: The publican is forbidden by the existing law to allow persons of notoriously bad character to assemble in his house, and he is responsible for knowing what their true character is.

Mr. J. LOWTHER said, the right hon. Gentleman, from his own point of view, was simply stereotyping what must be admitted to be a monstrous abuse of the existing system. He hoped the Committee would consider whether they were justified in imposing this duty on the publican. They were constituting him a judge of what he could not by any possibility know; and he wanted to know what protection would be given to him against actions for defamation of character? It was of no use talking about reputed thieves. A record of convictions for thieving was kept, and no policeman would tell a publican that a man was a reputed thief, unless it could be proved by the record; but here, the public-house keeper was to be left to his own unaided judgment. He would suggest that the words proposed should be added to the clause, and that then the clause should be struck out.

MR. WHITBREAD observed that no persons were more interested than those engaged in the trade in removing all complaint against it on the ground of decency and order. The clause, in his opinion, was one which imposed penalties on licensed victuallers for acts of which they might know nothing. It was admittedly a question of degree and certainty. The right hon. Gentleman the Secretary of State for the Home Department admitted that it was not an offence to give refreshment to these unfortunate women, who might require it from day to day, for the very sustainment of life. Then, where was the line to be drawn? He (Mr. Whitbread) admitted that in some parts of London there were houses which required a careful supervision, but that was a question entirely for the discretion of the local magistrates—a discretion which was, in his opinion, mischievously taken away by the provisions of the Bill. The result of that was, the difficulty in which they now found themselves. That women even of the unfortunate class alluded to should be supplied with refreshment once or twice—nay, three or four times a-day if they wished it, was admitted. But where was the permission to stop? Where were the local magistrates to draw the line in cases of this kind, where the offence was not under the control of the licensed victuallers? They could only convict in cases where public scandal was given, for they must, on the one hand, allow these women to have refreshments, or turn them out altogether. He himself believed the better course would be to leave such cases to be decided by the discretion of the magistrates, who would be acquainted from their local knowledge with all the circumstances of the case.

MR. COLLINS was of opinion they ought to make the clause so clear that "he who ran might read." It was not its intention to close public-houses against those unfortunate women altogether. That was not its meaning, and he would suggest to the right hon. Gentleman who had charge of the Bill to insert the words "reasonable refreshment." They might depend upon it they would never get a man who kept a public-house to refuse a woman who came to his house for refreshment, and he hoped the right hon. Gentleman would adopt his suggestion.

MR. RATHBONE said, he was entirely opposed to the proposed power to be given to the magistrates, on the ground that they should not be permitted to be the sole interpreters of the law.

MR. WATNEY said, he must ask for an expression of the sense of the Committee upon his proposal. Where he differed from the right hon. Gentleman the Secretary of State for the Home Department was in this—they were all agreed to punish those really meant by the clause; but where a poor woman went to a public-house to obtain refreshment it was, he thought, most unjust to punish a publican for giving it.

MR. HARVEY LEWIS thought the clause monstrously unjust. It was perfectly clear that if these poor women were to be allowed to live at all, they must have some refreshment; and it was most unjust to punish a licensed victualler for giving it, and even to subject him to the danger of forfeiting his license for doing so. He also objected to the proposition of the Home Secretary—that the magistrates were not to be permitted the exercise of any discretion, but to be compelled in every case to convict under what he considered a Draconian law.

MR. STRAIGHT was of opinion that the unhappy women to whom allusion had so frequently been made were placed in a very cruel position under the Bill. As it was, the police were ready enough to raise a cry against their class — too often when they did not deserve it; and, under the clause as now proposed, they might in the most harmless way come to a public-house for their beer, to take it home, and in that sense to be said to be in the habit of "frequenting" the place, thereby rendering the publican liable to proceedings. The result of that would be, that in some places they would be denied refreshment altogether. He objected to the clause and viewed with fear and suspicion the Bill generally, as being one composed almost wholly of penalties. Having imposed a large variety of penal restrictions upon electors, and having made the exercise of the franchise a pain instead of a pleasure, the Government now desired to deal in a similar way with the licensed victualler.

Mr. BRUCE said, that if the present law were sufficiently stringent, why were they now legislating to improve it, and make it more beneficial to the community? His answer, therefore, to the hon. and learned Member for Shrewsbury (Mr. Straight) was, that Parliament was asked by the Government to exercise one of its principal functions in order to effect the desired object. What he had to complain of during the present discussion was the very wide range hon. Gentlemen took in their views of the meaning of the Bill. The present clause was not an exception. It did not prevent these women from going to or getting refreshment at a public-house, nor punish the licensed victualler for supplying it. It simply meant houses well-known in the neighbourhood as places of meeting for these women, and the magistrates would easily understand it in that sense, and in that sense only. As, however, there seemed to be a general objection to the clause as it stood, he would suggest that the Committee should reject the proposal of the hon. Member for East Surrey (Mr. Watney), which was too wide, and adopt that of the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson), which would permit women, although "reputed protitutes," to remain in licensed houses sufficiently long to obtain "reasonable" refreshment. He must however, say that it was against his will that he acceded to the Amendment.

Mr. WHITBREAD observed that it was important for the Committee to know what it was the Home Secretary proposed to give. He understood the right hon. Gentleman to say he was willing to accept the Amendment of the hon. Baronet the Member for West Essex. That of the hon. Member for East Surrey did not include the very offence they were talking about, and he therefore trusted the right hon. Gentleman would lay down clearly in the clause what he meant by saying that those persons should receive proper refreshment.

Sir ROBERT ANSTRUTHER suggested that if the hon. Member for West Essex would change "or" into "and" in his Amendment, it would meet the object in view.

Mr. VERNON HARCOURT thought the Amendment of the hon. Member for West Essex would not make any important difference. If the right hon. Gentleman would only say what concession he proposed to make, it would be easy to settle the words of the clause to meet it.

Mr. BRUCE remarked that a substantive offence might be committed under the clause before they came to the word "or." He should, therefore, propose to insert, instead of "or who shall allow," "if he shall allow."

Mr. WATNEY said, he was willing to accept the suggestion of the right hon. Gentleman, and would, with the permission of the Committee, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. LOCKE moved, as an Amendment, in page 5, after the word "prostitutes," in line 13, to strike out the words "whether the object of their so resorting or meeting is or is not prostitution." The hon. and learned Gentleman said, it was outrageous to leave those words in the clause. The publican was to be fined, and his license, perhaps, taken away, if such persons came to his house, whatever the object with which they came. Such a provision, he thought, could not hold water; for it was admitted that even prostitutes were not to be starved to death. They were to have something to eat, or to drink, if they wanted it; and, therefore, if they came to a public-house for a perfectly honest and proper object, no crime at all events was committed by them, nor was any committed by the publican. He was, in fact, doing that for which, by the law, he might be punished for not doing. Those women went to those places for their dinner or their tea; but by the clause, whatever their object, improper or not, still, if they were women who were "reputed prostitutes"—whatever that might mean—the publican was bound to prohibit them having any. Now, there was no necessity whatever for those words, unless to create an offence which did not exist at present, and he would therefore move that they be struck out.

Amendment proposed, in page 5, line 14, to leave out from the word "whether," to the word "prostitution," in line 15.—(*Mr. Locke.*)

MR. R. N. FOWLER expressed a hope that the Home Secretary would not give way.

MR. VERNON HARCOURT said, on the contrary, he hoped the right hon. Gentleman would. Up to that time the law had always required proof of a criminal intent in these matters, and he trusted the law would long remain so. The truth was that even now, if there were not magistrates who were disposed to mitigate the severity of the laws enacted by the Legislature, about half the adult population of the country would now be in prison. Only the other day it was stated at the Mansion House that, during the reign of the present Majesty, 4,000 Acts of Parliament had been passed, and as he believed most of them contained an average of ten misdemeanours, there were 40,000 misdemeanours that had been created by the Legislature since Her Majesty's accession. Happily, however, in this country magistrates would not act upon such Acts of Parliament, and he trusted that even now some means would be found of escaping from legislation of this character. He had understood that the object of this Bill was to amend and improve the system of licensing, and if it had been declared at the outset that that was a mere Bill for the aggravation of penalties, he believed it would have been rejected by the House. He knew perfectly well that these penalties were proclaimed in the name of humanity and liberty. It was always so. There was nothing in the world so cruel as the tender mercies of a real philanthropist. There was no barbarity which he was not prepared to commit in pursuance of his sacred crotchets. A stand must be made against this kind of thing; they must seek some protection against that form of legislation, which, in the name of liberty, put everybody into prison, and in the name of humanity treated everyone with cruelty. ["Oh, oh!"] Let hon. Members see whether it was not so. A person was not to go into one of these houses, with the exception which they had succeeded in getting, not, as his right hon. Friend had said, by his good will; but, even with that exception, people were not to be allowed to go into these houses, not because they had any bad object. If they had any bad object, he agreed that they should not be allowed to enter them. But it was now thought necessary to legislate against humanity and the view of English liberty which had been, and which he hoped always would be, taken by English Judges, and to tell English Judges that they must convict, even though there were no object of prostitution. And who were going to support such a proposal as that? Was it not hon. Gentlemen who in that House had raised an agitation on the Contagious Diseases Bill? Had it not been complained that women were taken into custody upon the mere reputation of their being prostitutes, that they were dealt with in a harsh and severe manner, and that they were subject to examination and other indignities? ["Question!"] That was the question. He wanted to know whether persons who took that view of the subject were going to support a clause of this kind, which declared war against women who were reputed prostitutes, whether they went to a public-house for purposes of prostitution or not? He could not conceive anything more grossly inconsistent than that persons who took that view of the liberty of the subject should support a clause of this character. Hon. Members were no doubt willing to prevent the habitual resort to public-houses for purposes of prostitution; but he hoped the House would never consent to people being dealt with in the way proposed when they went to public-houses with no such object. He was quite sure that if that House did agree to it, the English people would never allow it to be carried out.

MR. BRUCE, in reply to his hon. and learned Friend (Mr. Harcourt), said nothing could have been more distinct than his (Mr. Bruce's) statement at an early stage of the Bill. By far the greater portion of that statement went to show that the Bill consisted of two parts; one of which was the enactment of more stringent police clauses, of which the infliction of new penalties must be part. His hon. and learned Friend must be very ignorant of the controversies which had taken place on the subject, if he was not aware that one of the main objects contemplated by all parties was the introduction of more stringent police clauses for the maintenance of order in licensed houses. The present clause, as it now stood, provided that any licensed person who permitted reputed prostitutes to assemble or meet together on his premises for a longer time than was necessary to obtain refreshment should be liable to a penalty, and he should like to know what cruelty was inflicted under it? This was the simple issue before the Committee. If the Committee thought that it was not an offence against morality to allow these persons to assemble for a longer period than was necessary for purposes of refreshment, of course, they would support his hon. and learned Friend; but if they were anxious to put down a flagrant and crying evil, they would vote against the Amendment.

Mr. GREGORY said, he was of opinion that the persons referred to should be enabled to procure necessary refreshment; but he had a suggestion to make which he thought would meet the views of both sides. He proposed that the words, the omission of which had been moved by the hon, and learned Member for Southwark, (Mr. Locke) should be left out, and that the following should be inserted in their place:—"or to be used by them otherwise than for necessary refreshment." That would enable prostitutes to obtain refreshment, and at the same time prevent the houses being used for purposes of prostitution.

Mr. H. B. SAMUELSON thought the words proposed to be struck out were mere surplusage; and if they were omitted, the clause would then meet the object in view. He must express his regret that the Home Secretary should have stigmatized the section of the House which would vote against the Government on this point, as favourable to prostitution.

Colonel WILSON-PATTEN thought the suggestion of the hon. Gentleman behind him (Mr. Gregory) would accomplish the object of the hon. and learned Member for Southwark, and at the same time not be contrary to the spirit of the clause.

Mr. LOCKE said, if his own Motion for omitting the words were adopted, he should be prepared to accept the insertion of the words proposed by the hon. Member for East Sussex (Mr. Gregory).

Mr. NEWDEGATE said, the object of the Bill was understood to be the regulation of licenses; but an impression had been brought to his mind, and perhaps it had been brought to the mind of official Members, that there was another object of the Bill. There was a proposal largely to reduce the number of licensed houses, and it seemed to him that it was sought to achieve this object by a process of severity. He held that it was the duty of the Committee and of the House to see in that process of reduction of the number of public-houses by penalties, that the public was not made to suffer for an object which might or might not be good in itself.

Mr. FOTHERGILL expressed himself in favour of the suggestion of the hon. Member for East Sussex.

Mr. COLLINS said, the clause would get rid of only those public-houses to which prostitutes habitually resorted.

Mr. VERNON HARCOURT asked, whether they were to understand that if the words proposed to be omitted were left out, those suggested by the hon. Member for East Sussex would be inserted?

Mr. BRUCE, in reply, stated his intention to adhere to his original engagement, and accept the Amendment of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson).

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 182; Noes 128: Majority 54.

Sir HENRY SELWIN-IBBETSON moved, as an Amendment, in line 15, after the word "shall," the insertion of the words—

> "If he allow them to remain thereon longer than is necessary for providing them with necessary and reasonable refreshment."

Amendment *agreed to;* words *inserted.*

MR. J. G. TALBOT, on the Proviso—

> "Any conviction for an offence under this section shall be recorded on the license of the person convicted,"

moved the insertion after the word "shall," of the words "unless the convicting magistrate or justice shall otherwise direct." There might be circumstances which rendered it undesirable to record the conviction, and he believed that in many cases magistrates would avail themselves of the Proviso which he proposed, if it were inserted. He wished to say one word to hon. Gentlemen opposite. They were taking objection to a great many clauses, avowedly as the representatives of the licensed victuallers. He (Mr. J. G. Talbot) also represented a number of that body, and he knew that a great many of them were anxious that this Bill should pass. He thought that hon. Gentlemen opposite were acting very unwisely in opposing this Bill. If this moderate measure were not passed, they would have an immoderate measure forced upon the country, and the licensed victuallers would find themselves in a worse position than they would be under this Bill.

Amendment proposed, in page 5, line 18, after the word "shall," to insert the words "unless the convicting magistrate or justice shall otherwise direct."—(*Mr. J. G. Talbot.*)

MR. LOCKE, who had a similar Amendment upon the Paper, said, there could not be the slightest doubt that the Amendment proposed by the hon. Member for West Kent was the same as he (Mr. Locke) had moved on the preceding clause on a former occasion, leaving the endorsement of the conviction on the license a matter in the discretion of the convicting justices. On that occasion, the hon. Member moved an Amendment to his (Mr. Locke's) proposal, and by so doing threw the whole case into confusion, and in consequence of that, many hon. Members, as they themselves had told him, voted differently to what they had intended. They did not, in fact, understand what the division was about. He (Mr. Locke) was desirous of carrying his Amendment now on this clause; but the hon. Member for West Kent interposed his, and very probably the result would be they would be both lost. The hon. Gentleman might say there was no difference between the two Amendments; but if that were so, why on the face of the earth should the hon. Gentleman be so anxious to have his own Amendment adopted, unless it be that he wished to monopolize the whole credit of correcting the provisions of the Bill? The hon. Gentleman had read the Committee a lecture on their conduct, and said they were preventing the passing of this Bill, which was a moderate one. No one would more rejoice than he (Mr. Locke) would at the passing of a fair and just measure; but it was quite obvious that under this clause the licensed victualler would be placed in a very painful position, inasmuch as whenever he might be brought before a magistrate, charged under the provisions of this Bill, the magistrate was, as a matter of course, to endorse on the license the decision to which he might come. That was, he considered, extremely unfair, and accordingly the other evening he moved an Amendment leaving that to the discretion of the magistrate, and he did not see how the Amendment of the hon. Gentleman made that proposition more clear.

MR. VERNON HARCOURT said, the difference between his two hon. Friends the Member for West Kent (Mr. J. G. Talbot) and the Member for Southwark (Mr. Locke), as the rival advocates of the licensed victuallers, placed the Committee in some difficulty. He (Mr. Harcourt), however, advocated a distinct interest — the interest of the British public; and speaking in that interest, he thought that those whom they entrusted with the administration of the law should also be invested with a discretion in reference to the endorsement of the convictions. He wished to see the hops of Kent and the sound malt of Southwark united in a loving cup, and therefore would advise his hon. and learned Friend the Member for Southwark not to refuse the assistance offered on the other side of the House, for the carrying of the Amendment would secure all he desired, and what the hon. Member for Bedford (Mr. Whitbread) had with his usual sagacity suggested.

MR. BRUCE said, if he were to choose between the two he would prefer the Amendment proposed by the hon. Member for West Kent, but he was prepared to vote against them both. He had never concealed the motive of this measure, which was intended to reduce the number of public-houses by weeding out all those which were badly conducted. For instance, at Luton, where there had been 250 public-houses, the number was now reduced to 200, which was quite sufficient for a population of 20,000 inhabitants. The result was most satisfactory, as the inhabitants were no longer exposed to the same temptations to disorder and crime as heretofore. He wished to give the magistrate the fullest discretion in deciding whether or no an offence was committed, and it was not asking too much to require that the decision should be recorded on the license. Under the system of restriction public-house property had acquired great value, and it would become still more valuable, when the number of houses was diminished by the abolition of the bad houses. That being so, the magistrates if left a discretion would shrink from exercising it, when their decision might jeopardize property worth from £2,000 to £3,000. The provision was not new to the law, as even the Judges were not allowed a discretion in the case of the second conviction of a man previously sentenced to transportation or penal servitude. If the Committee wished to see the number of disorderly houses diminished they would vote against the Amendment.

Mr. STRAIGHT said, the illustration of the man sentenced to penal servitude brought forward by the right hon. Gentleman was extremely unfortunate, as he had often heard Judges complain of their being left without that very discretion to which he had referred. The case of the borough of Luton was likewise an unhappy illustration on the part of the right hon. Gentleman, for if, under the existing law, the magistrates of that town were able to diminish the number of disorderly houses to the extent mentioned, he did not see any necessity for a change which would create an aggravated punishment for an offence, which was already amply provided for by a pecuniary penalty. It seemed as if Her Majesty's Government were bent upon loading the pages of the statute book with crimes and misdemeanours, and rendering the existence of Englishmen as perilous as it would be intolerable. Among others, he observed that one of the offences, three convictions for which would forfeit a license, was the allowing prostitutes to remain in a licensed house longer than was necessary for the purpose of obtaining reasonable refreshment. The whole question, therefore, would be whether a reasonable time had been exceeded, and that question would undoubtedly cause great difficulty to the magistrates, who would in this instance, as in many others suggested by the Bill, be slow to convict if the conviction must be endorsed upon the license, without any discretion being left to them. The right hon. Gentleman should beware against the introduction of too much of this kind of thing in his present measure lest he find it as unpopular as his last.

Mr. RATHBONE observed that under the present law the magistrates might declare the license forfeited on the first conviction, so that the clause instead of making the law more stringent actually relaxed it. Under these circumstances, the advocates of the licensed victuallers were doing their clients small benefit, for as the mind of the public was now awakened to a sense of the evil, they would, if this clause were rejected, call upon the magistrates to carry out the stringent powers with which they were now invested.

Mr. ASSHETON wished the Home Secretary to consider what would be the consequences of an enactment like that, affecting as it did, the question of confiscation of such an amount of property as in many instances would be the case? When the magistrates found that they had to endorse the convictions, and that those endorsements would abrogate the license, they would hesitate to convict, and thus the whole of the Bill would be defeated. Let them convict, and the Committee might rely upon it that if the offence was one which ought to be recorded on the license, they would not hesitate to do so. He would, therefore, suggest that the word "may" should be inserted in place of the word "shall."

Mr. DODSON suggested that, as the Amendment was the same as that proposed on Clause 13, and was supported by the same arguments, it would save the time of the Committee, if they at once divided on it.

Mr. WETHERED said, that when the Home Secretary spoke of the value of public-house property, he forgot that it had been seriously deteriorated by the introduction of that Bill of Pains and

Penalties following the still-born monstrosity of last year.

MR. COLLINS said, that what the House had to consider was, how they might make that a practical measure; and they would not succeed in that if they threw difficulties in the way of convictions, which would be the case if the magistrates found that they had to inflict a punishment out of proportion to the offence.

SIR JAMES ELPHINSTONE said, he looked at the matter from a police point of view, and must warn the Committee that if they drove the unfortunate people against whom this clause was directed from their usual places of meeting, they would spread themselves over the whole town, and get beyond all police control.

MR. HENLEY said, although he had no doubt that magistrates would be very glad to be relieved of any discretionary power in the matter, yet he held that if the magistrates were to have the power of convicting, they ought also to have a discretion in deciding on the degree of the offence, whether or not it was of a character which ought to be recorded on the license. He felt certain, that if they took away the discretion of the magistrates, and left such heavy consequences hanging over a conviction, they would have no convictions at all. He was old enough to remember that when a fixed punishment was assigned to the crime of horse-stealing the Judges laboured in their charges to the juries to make it out a case of receiving, in which they had a discretion; and just so here, if the discretion was taken out of the hands of the magistrates, they would find some loop-hole or other to escape from the responsibility which the clause would impose upon them.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 165; Noes 159: Majority 6.

Clause, as amended, *agreed to.*

Clause 15 (Penalty for permitting premises to be a brothel).

MR. T. HUGHES moved, in page 5, line 24, after "liquors" to insert

"and such premises shall be disqualified from receiving a license for the term of five years from the date of such conviction,"

his object being to make the owner share with the occupant the responsibility. Brewers were generally the owners of those houses, and it was only right that they should be compelled to let their houses to none but proper characters.

MR. WHITBREAD said, that though the brewers were generally the owners of those houses in the country, that was not the case in London or other large cities, where the licensed victualler was generally the proprietor, and invested large sums of money in the concern. If this Amendment passed, the person who was the owner of the house might, without any fault of his, be ruined.

MR. BRUCE said, he should oppose the Amendment, for the same reason as that which induced his noble Friend who had charge of the Bill in the other House (the Earl of Kimberley) to withdraw a similar provision from the original Bill. The penalty proposed by the hon. and learned Member for Frome was a very heavy one, and he thought it would be a great hardship to impose it upon the owner—probably behind his back—and, as the hon. and learned Member proposed, for a first offence. He hoped the hon. and learned Member would not press it.

COLONEL BERESFORD said, he should like to know upon what ground the hon. and learned Member proposed to add such an Amendment to the clause. He did not agree with the hon. and learned Member, and if the Amendment was pressed, he should certainly vote against it.

SIR ROBERT ANSTRUTHER concurred with his hon. and learned Friend (Mr. Hughes). The clause, as he proposed to amend it, would be restored to the provisions of that which was in the former Bill. He was of opinion, that they were bound to hold the owner of the house as well as the publican in possession, responsible for any such violation of the clause as the Amendment was moved to guard against.

SIR HENRY SELWIN-IBBETSON said, the owner of a house occupied by a publican could hardly foresee that his tenant would turn his premises to such uses; and if he pressed his tenant for his rent, or did not comply with his demand for a reduction of it, the tenant might turn round and convert the house into a brothel, and thus ruin the man's property. He agreed with the right hon. Gentleman the Home Secretary, that the proposed Amendment, if adopted, would operate with great severity against the owners of houses, and the Government had acted very wisely, and were entitled to credit for striking such a provision out of the clause.

Mr. RYLANDS hoped hon. Members opposite would allow the Amendment to be negatived without a division, as it could have no other possible effect than that of confiscating the property of innocent persons.

Mr. STRAIGHT objected to the Amendment, on the ground that it would have the effect of convicting two persons for the offence of one.

Sir HARCOURT JOHNSTONE supported the Amendment, with a view of compelling owners to inquire into the character of persons before they let their houses to them.

Mr. COWPER-TEMPLE said, it was desirable to take every precaution against any of those houses being made brothels. He thought, however, that a penalty should not be inflicted upon the owner, except in cases wherein he had heard of, and allowed, such a use being made of his house.

Mr. Alderman W. LAWRENCE hoped the House would come to a division on this clause. If it was intended to pass the Bill, hon. Members should take care not to allow it to be overloaded with too severe imposition of penalties.

Mr. GOLDSMID said, it was perfectly absurd to punish a building for an offence committed by a person.

Mr. T. HUGHES said, the landlord could not be taken by surprise, as some hon. Members supposed. He could not, in fact, be taken by surprise. He regretted that the feeling of the House seemed to be opposed to his Amendment, and he would therefore withdraw it.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 16 (Penalty for harbouring constable).

Mr. RYLANDS moved, in page 5, line 37, at end of clause, add—

> "Any conviction for an offence under this section shall be recorded on the license of the person convicted, unless the convicting magistrate shall otherwise direct."

Sir HENRY SELWIN-IBBETSON said, that was one of the penalties which was considered by the House of Lords as being too severe, and rejected in consequence by them. He hoped the Government would not adopt it.

Mr. CANDLISH, on the contrary, considered it was a discretion that should be given to the magistrate, and he therefore hoped the Amendment would be accepted.

Mr. BRUCE said, he would accept the Amendment.

Mr. WHITBREAD said, it would give a disagreeable tenant an immense power for injuring the owner of the property.

Mr. BRUCE said, it would be absolutely impossible to protect the public, if the interests of the owners were to be considered too narrowly—in fact, by so doing, an injustice would be done to the public. However, he had no objection to the withdrawal of the Amendment, more especially when it was remembered that the clause was sufficiently powerful without it.

Sir HENRY SELWIN-IBBETSON considered that the interests of an unoffending owner ought not to be overlooked.

Lord JOHN MANNERS, for the reason that he thought owners might be unfairly treated in case the Amendment were adopted, said, he should support the clause as it stood.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 17 (Penalty for permitting gaming).

Mr. LOCKE moved in page 6, line 8, at end, add "if the convicting justice shall so order." The hon. and learned Member said, that it frequently would happen that offences which would come under this section would be of a trivial character, and he thought, therefore, it would be better for the magistrate to be allowed some discretion in awarding punishment for the offence.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 18 (Power to exclude drunkards from licensed premises).

Mr. WATNEY moved in page 6, line 13, after "Act," the insertion of the words "and may use such force as may be required for that purpose."

Mr. BRUCE said, the words were unnecessary, as the clause had sufficiently provided for that.

Amendment, by leave, *withdrawn.*

On the Motion of Sir HENRY SELWIN-IBBETSON, Amendment made in line 19, by omitting "assist in," and substituting "expel" for "expelling."

Clause, as amended, *agreed to.*

Adulteration.

Clause 19 (Adulteration of intoxicating liquor).

MR. PLIMSOLL moved in page 6, line 26, after the words "mixed with," to insert "or uses in brewing." He said it was a well-known practice of brewers to mix salt with other ingredients in their brewing to increase the consumption of beer. He stated that from his own knowledge the more of such beer persons drank, the more they required; and in some cases, the barrels into which the beer was put had got so completely saturated with salt, that that kind of adulteration ceased to be necessary for the purposes in view. He believed they could do much to prevent this species of adulteration by more stringent regulations and penalties, and he hoped his Amendment would be agreed to.

MR. WATNEY said, as the hon. Member had mentioned cases as within his own knowledge, in which this kind of wholesale adulteration was carried on, and noxious materials were used in brewing, he (Mr. Watney), as a brewer, would suggest to him that a very large and full list of materials not to be employed in brewing for the purposes of adulteration was to be found under the existing law. If the hon. Member really knew of any cases in which salt or any other material was used for the purposes he had mentioned, it was open to him to report the cases to the Excise authorities, who would, if the cases were proved, levy the heavy penalties attached to the offence, of which the hon. Member acting as informer, could receive the half.

MR. RATHBONE supported the Amendment. A very large amount of the evil arising from the consumption of intoxicating liquors was to be traced to adulteration. They had that fact in evidence, though he did not believe that such adulteration could in the first instance be traced to any of the great brewers.

LORD EUSTACE CECIL opposed the Amendment, on the ground that there was no evidence to show that adulteration was practised to the extent supposed; and that if it were the existing law was sufficient, if properly put in motion, to check it.

MR. BRUCE said, that as he perfectly acquiesced in the conviction expressed by the noble Lord who had just sat down, that the law was already sufficiently powerful to effect all that the Amendment proposed, he felt bound to oppose the Amendment.

Amendment *negatived.*

MR. LOCKE moved as an Amendment, in page 7, line 9, at end, add, "if the convicting justice shall so order."

MR. DODSON trusted the right hon. Gentleman would not allow the words to be inserted. The clause dealt exclusively with adulteration, and he thought no one would maintain that when the offence was committed, there should be any question of remitting the penalty.

Amendment, by leave, *withdrawn.*

SIR HENRY SELWIN-IBBETSON hoped before the clause was agreed to, that the Home Secretary would agree to omit the words by which a person convicted of an offence was required at his own cost to stick up a placard on his premises announcing the fact, and to keep it there for a considerable time. If the principle was correct, why should he not be equally required to put one up, where the test had been applied, and he had not been found guilty?

MR. BRUCE said, in fact, what was proposed was a simple extension of an existing Act. With regard to the converse proposition as put forward by the hon. Baronet, he thought it might safely be left to the option of the publican himself.

MR. CANDLISH hoped the clause would be struck out entirely. It inflicted a degree of discredit and degradation upon men who, as a class, ought not to be subjected to such treatment.

MR. ALDERMAN W. LAWRENCE expressed a hope that the Home Secretary would be content with the law as it at present existed in this respect. Even under this Bill, a second conviction would ensure the forfeiture of the license. Why require, in addition, the publicity sought to be enforced by the clause?

COLONEL BARTTELOT said, although he would admit that the offence of adulteration was dangerous and excessive, yet the clause enacted new and most serious penalties, and he hoped the right hon. Gentleman would not press it in its present form.

Mr. BRUCE said, the offence against which the clause was directed was, as he had said, a very serious one, and the principle it embodied was really one of the common law and practice. In public parks and on railways, the names and occupations of persons convicted of offences against the by-laws and regulations, together with the penalties inflicted, were constantly placarded. He did not see why the convictions of persons who were guilty of wilfully breaking the law by adulterating their liquors should not be made equally public. He did not attach very great importance as to the time during which the placard should be exhibited; but he did think it was of great importance that the offence of adulteration should be checked by the severest penalties that could be inflicted for the purpose.

Mr. STRAIGHT said, he thought it would be an amendment, if the police were to affix the placard, instead of the publican.

Viscount SANDON thought the objection could be met by advertising the conviction in each case in the local newspapers. Compelling a man to placard on his premises the record of his own conviction was neither more nor less than adding a second penalty for the same offence.

Mr. MUNTZ trusted the Home Secretary would adhere to the clause as it now stood. Nothing was more scandalous or deserving of more severe punishment. In the district with which he was connected two-thirds of the cases of poor fellows being sent to gaol arose from drunkenness brought on by drinking beer which was largely drugged with Coculus Indicus. It was the law in France, that for the offence of adulterating any article, the vendor on being convicted must put up a notice of his conviction, and if he took it down or allowed it to be taken down a policeman was placed on his premises—at his own expense—to see that the notice was properly exhibited for the prescribed time.

Mr. GREGORY said, that nearly all the adulterating materials mentioned in the Schedules were poisons, and he thought that those who used them or were privy to their use should be not only punished by fine, but well exposed.

Mr. BRUCE said, that on a second conviction the magistrate had power to give the fact publicity by advertisement.

Lord HENRY SCOTT thought publication of some sort should take place, and if even this proposal for placarding the house were adhered to, the punishment would not be too severe for the offence.

Mr. FOTHERGILL said, that he was told that a gallon of spirits, such as was sold at some public-houses, could be made for 2*d.*, the principal ingredient being sulphuric acid. He hoped the names and offences of such shameless adulterators would be ordered to be stuck on their shop-doors, and that they should be ordered to do it themselves.

Mr. NEVILLE-GRENVILLE said, he did not object to the placarding, but to the man placarding himself. The notice might be put up at the police office.

Mr. BRADY thought it was neither right nor just that having paid the penalty for selling an adulterated article, the publican should be compelled to placard his own offence. This portion of the clause would, he believed, prove ineffectual in preventing adulteration.

Lord EUSTACE CECIL said, he approved of the suggestion of his noble Friend the Member for Liverpool (Viscount Sandon), that publication of some sort in a newspaper should be made, and must say he saw no difficulty in doing so. He could corroborate the hon. Member for Birmingham (Mr. Muntz) as to the practice that was pursued in France.

Mr. WHITBREAD objected to the proposed punishment on the ground of its being un-English. He would ask the Committee to distinctly consider whether the placarding would have the effect they believed it would have. If the person convicted were a poor man, the fact of compelling him to plead his own offence might have the effect of bringing to him no small share of custom from those who thought that he had been harshly dealt with. He believed that when the question of adulteration was thoroughly investigated, it would be found that there was much less adultearation in what was sold under the name of intoxicating liquors than in most other articles.

Mr. VERNON HARCOURT considered the penalty an unprecedented one as regarded the English law, and intended voting against it. With respect to what was done by the French police, he trusted that the Committee would not consent to the adopting of any such system. Was Parliament prepared to pass a law declaring that whatever offence a man committed he should be placarded for a fortnight? A man might be convicted in the Divorce Court of an offence of a cognate character, and he would ask was he to be placarded at his own expense? If this was thought to be a proper way of preventing offences, let it be made a part of the criminal law of the country that a man should be obliged to go about with a placard on his back, and another in front of him, stating the nature of his offence. Formerly men were branded for certain offences, but the common sense of mankind revolted against such a punishment, and it had been abolished. He objected to the re-production of penalties of a similar character to one particular case.

MR. BRUCE said, he would, upon bringing up the Report, again consider the clause and the suggestion made for modifying it, by causing a police constable to affix the notice of conviction. He might, however, remind the hon. and learned Gentleman the Member for Oxford that as the law now stood magistrates had power to publish the names of offenders in a newspaper, and in such other manner as they might think desirable.

MR. AUBERON HERBERT said, he was in favour of the punishment, on the ground that it carried with it a sense of shame. He therefore thought the right hon. Gentleman should not give way, and allow the police constable to do what the delinquent himself ought to do.

MR. GOLDSMID said, that if these penalties were imposed on innkeepers, the same ought to be imposed on those who adulterated milk or anything else.

MR. WETHERED remarked that the placarding of the house might injure a future and more respectable occupier.

Clause *agreed to.*

Clause 20 (Possession of adulterated liquor or deleterious ingredients), *agreed to.*

Clause 21 (Schedule of deleterious ingredients).

MR. WINGFIELD BAKER moved as an Amendment, in page 7, line 37, after "Gazette," insert "and in two or more of the daily newspapers."

MR. BRUCE, in opposing the Amendment, said that *The London Gazette* was the authorized medium of the publication of every official act.

MR. WINGFIELD BAKER said, he proposed the Amendment as a fairer mode of giving notice to the two classes likely to be affected by the clause—the wary and the unwary. For the former, it would supply better evidence to convict; to the unwary, better notice of the danger. *The Gazette* was not like an Act of Parliament, no one offending against it could be convicted, unless it was proved he had read the order in *The Gazette.* Considering the heavy punishment to be incurred, he begged leave to urge the Amendment on the Home Secretary.

MR. BRUCE said, his hon. Friend might depend that when such an order appeared in *The London Gazette*, it would receive a far wider circulation than was suggested in the Amendment, for anything that might appear in that journal of the nature referred to in the question would be sure to be copied by all the leading papers, and thus disseminated all over the Empire.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 22 (Analysis of intoxicating liquors).

MR. WATNEY moved an Amendment, in page 8, line 3, to leave out from "any of the," to "to do and," in line 5, inclusive. The hon. Member said he wished to strike out the words which enabled a superintendent of police, or other constable, to procure samples of intoxicating liquor, and to confine that duty to officers of Inland Revenue.

MR. BRUCE said, he could not accept the Amendment; but he had given Notice of Amendments to provide securities to prevent anything like oppressive conduct being adopted towards individuals.

Amendment, by leave, *withdrawn.*

MR. CECIL RAIKES proposed in page 8, line 24, to omit "may," and insert "shall," the object being to compel the officer to declare that he is about to analyze the liquor.

MR. BRUCE moved—it being now ten minutes to seven—that Progress be reported, and intimated that it was the intention of the Government to resume the Bill at twelve o'clock to-morrow (Saturday).

MR. GLADSTONE: I may add, Sir, that it is not the intention of the Government to ask the House to sit beyond 4 o'clock.

Motion *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow,* at Twelve of the clock.

MR. J. LOWTHER: Sir, I wish to ask the right hon. Gentleman at the head of the Government, Whether he is really serious in his intention to take the Licensing Bill to-morrow? The announcement has certainly taken the House by surprise.

MR. GLADSTONE: We really intend to take the Licensing Bill to-morrow, and we gather that what we propose is agreeable to the general sense of the House.

COLONEL BARTTELOT: I must protest against the statement that this course is taken with the general concurrence of the House. We have worked well during the past week, and it is really too bad that on the only day that we have to ourselves the Government should put this Bill down. I protest most earnestly against its being taken. Why not take it on Wednesday?

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. CARDWELL said, that he proposed to put the Military Forces Localisation (Expenses) Bill for Monday, and that they proposed to close Supply at a sufficient early hour to bring to a close the discussion on the second reading of that Bill.

JUDICIAL ORGANIZATION—REPORT OF THE JUDICIAL COMMITTEE.

RESOLUTION.

MR. VERNON HARCOURT in rising, pursuant to Notice, to call attention to the Reports of the Judicature Commission, and to move—

> "That the administration of the Law under the existing system is costly, dilatory, and inefficient; that a competent Commission having reported that the judicial organization is defective in all its branches, it is desirable that Her Majesty's Government should in the next Session of Parliament present to this House a measure for its reform and reconstruction, which, without increasing the public charge, shall provide for the more effectual, speedy, and economical administration of justice,"

said, it was not his fault that that important subject had been brought forward at such a late period. Had it related to the burning of a Judge in effigy, or to the discussion of a sensational Judgment, no doubt the attendance would have been very different. The last part of his Motion was the most important, and he wished to elicit some declaration from the Government that this great question should no longer be left in the position which it now occupied. No man would deny that the law was costly not only in respect to the public establishments connected with it, but was still more costly to those persons who had the misfortune to have recourse to it. The cost appeared on the Estimates to be something like £4,000,000. That, however, was an entire mistake. Owing to the unfortunate system of keeping the public accounts, the judicial establishments were classed with the police and prisons, which had no proper connection with them. In round numbers, they might take the cost of the judicial establishments of the three parts of the United Kingdom at £2,000,000 a-year. That that was a costly establishment nobody could deny, and if he were to take up time in proving that it was dilatory in its administration of justice, he should of necessity be dilatory in doing so. Everybody who took an interest in the subject, on looking into the Report of the Judicature Commission would find that the existing administration of the law must be inefficient, because in nearly every branch of it reform was recommended. Substantially, however, nothing had been done, though that Report was presented nearly three years ago. Lord Palmerston once spoke of an ignorant impatience of taxation; but in this case there was what he would describe as an ignorant patience of the evils of the law. Persons who knew nothing of the subject regarded as inevitable evils which others who had paid attention to the matter knew to be capable of being remedied. They looked upon these evils as the Indians looked upon the smallpox—it had come from heaven, and submission was a duty; or in the spirit in which Mussulmans perished, exclaiming, "Allah is great." A distinguished lawyer (Lord Langdale) once accounted for the fact that so little was heard of the evils of the legal system—notwithstanding that these tended more than anything else to unfasten the links which bound society together in harmony—by the reflection that during the progress of their suit both parties feared to excite any unpleasant feelings in the mind of the Judge, and the decision once given, the successful party naturally saw in it the triumph of justice, or if he was conscious that his cause had prevailed through the error of the Judge, he was at least disposed to enjoy his triumph in silence. The disappointed suitor, on the other hand, like the discarded servant, was conscious that any representations of his would be viewed with suspicion. He, himself, had received from Liverpool very strong representations as to the dissatisfaction felt with the existing administration and defects of the law, and he was glad to see the hon. Member for Liverpool in his place, and hoped he would express his views upon the subject. With the object of endeavouring to remedy the evils complained of, and improve the existing condition of affairs, he had put down a few definite propositions which it seemed to him desirable to carry out. First, the consolidation of the multifarious Superior Law Courts with distinct jurisdictions into one Supreme Court, which should exercise universal jurisdiction, without technical distinction as to the form of remedy. That was a change recommended by the Judicature Commission, and he believed approved by everybody. His second proposal was the creation of a single High Court of Appeal for the whole Empire, constituted with a sole regard to judicial efficiency and severed from all political functions. That was a point upon which he believed the House of Commons, at all events, was agreed. In the third place, he proposed that there should be a reconstitution of the local tribunals, with a view to giving greater efficiency to the provincial administration of justice, embracing under this head a reorganization of the County Courts, and the establishment of Courts in the provinces which should possess a higher jurisdiction than the Courts which now exist. The fourth head of his proposal —and to this he attached great importance, as the keystone of law reform—was a change in the office of Lord Chancellor on the basis of a separation of the judicial from the political functions of that office, so that the head of the law might no longer be a political partisan, and the administrative and legislative departments of the law might be assigned to a Minister responsible to Parliament. His fifth, and last proposal, was that there should be a consolidation of the manifold and separate subordinate departments of legal administration with a view to their greater economy and efficiency. Under this head he included the various offices in the Court of Chancery, a reorganization of the Masters' offices in the Courts of Common Law, and the establishment of some substitute for the existing and highly objectionable system of private arbitration. They had 35 Superior Judges, receiving from £10,000 down to £5,000 per annum each, and the astonishing thing was that with so large a number there should be such a deficiency in judicial power and accommodation; but it was due to defective organization and separate jurisdiction, and the want of that application and condensation of labour which made the efforts of able men practically inefficient in the administration of the law. By a redistribution of their duties their effective power would be greatly strengthened. If 10 men were taken for a Court of Appeal, 20 might be taken, and would be found sufficient, for the work of London, leaving five to be sent into the provinces to form centres of provincial Courts. The public had a right to expect that the Courts of Justice should always be open, and, by adopting the course proposed, that could be done, and at the same time give every Judge adequate time for vacation. The Appellate Jurisdiction had occupied the attention of both Houses of Parliament over and over again, and various schemes had been proposed, none of which had hitherto succeeded in obtaining the sanction of Parliament; but of all the schemes submitted for the consideration of Parliament, by far the most unsatisfactory was that which had come down within the last few days from the Committee of the House of Lords. It was proposed by that Committee to keep the Appellate Jurisdiction in the House of Lords, with all the objections to the political functions which belonged to that House of Parliament. The Lord Chancellor, an ever-changing officer, and who, from the nature of his office, was essentially a political partizan, was to be at the head of the Court; and to strengthen that Court it was proposed to create four salaried members at £7,000 per annum each, who were to be Peers for life, but who were only to vote on judicial questions, and by their Writ of Summon they were to be excluded from an equality with the other Members of that House. A more degrading proposition he could not imagine than that Judges who were sufficiently eminent to occupy these positions should be asked to accept them on terms such as he had described. They were not to add to the lustre of that House by becoming members, nor was the House to add dignity to their profession by allowing them to enter on an equality with the other Members of that illustrious House. These Brummagem Peers—these pinchbeck Peers were to be out-voted by the other Peers, but they were to come in as ornamental persons on show occasions. He doubted very much if any of the present Judges would assent to such a proposal. A second class of Judges were to be *ex-officio* Members of the Judicial Committee of the House of Lords; but he read with amazement in the Report he had alluded to, that they were not bound to attend. The £7,000 a-year drudges, who were not to be Peers, were to do the heavy work, and the *ex-officio* were to attend voluntarily when they liked. The Lord Chancellor, when the Committee was sitting in two divisions, or when for any reason he might think it necessary for them to be present at Sittings in Error, might summon a sufficient number to attend, provided that no *ex-officio* Member should be required to attend more than 20 days in a-year, or "if prevented by any reasonable cause." This proviso was made on behalf of the Law Lords who were already receiving pensions of £5,000 a-year from the country, and it abundantly told its own origin. Altogether, the proposals which had been sent down were of a most extraordinary character, and he hoped the House of Commons would not assent to them. One other recommendation must necessarily call for attention—namely, that for the decision of Indian cases there was to be established Indian assessors, who were neither to be Peers for life nor to have power to vote, but they were to be paid out of the Indian Revenue; and they would have to decide on questions of importance affecting our Indian subjects, but they were not to be upon an equality with the second-class Peers. He hoped that when such a proposal came to be submitted to the House it would meet the fate of other propositions of a similar character. As to local tribunals, there were 60 County Court Judges sitting 134 days in the year, costing the country £500,000 a-year; and the Judicature Commission said that the staff was far larger than was necessary. He would suggest the creation of five or six centres, such as Liverpool, for Provincial Superior Courts, and that five or six of the County Court Judges of the district should act as suffragans under the superior Judge, disposing of the smaller business, both civil and criminal. It was monstrous that a Liverpool civil cause could not be tried between March and August except in London, where the witnesses might have to wait days or weeks before it came on. Half the delays were caused by the choking up the vestibules of the law—in Chambers, at Chancery, and at Common Law. A large part of the administrative staff, both in Chancery and at Common Law, were disorganized and altogether inadequate for the duties they had to discharge. It might be asked whether his scheme would be an expensive one. Now, he believed that, though piecemeal reforms might be expensive, a review and consolidation of our whole system would effect great economies, both in the Courts of First Instance, the local Courts, and the administrative staff. The object of his Motion was not to develop any plan of his own, but to ask the attention of the Government and the House to the subject, because it was impossible for a private Member to deal in an efficient and effectual manner with such a subject. He therefore asked the House to assure the Government that they desired that the question should be dealt with by them; and that if they were disposed to deal with it, to assure them that the House would support them in doing so. The present Government had achieved great legislative triumphs, and they might achieve a still greater one by energetically addressing themselves to this question. He trusted that the Attorney General would crown the capital of his great reputation by a measure of law reform worthy of the subject and of himself, and that the Prime Minister, who had dealt with questions affecting a portion of the Empire, would apply himself with equal success to a matter affecting the whole Empire. The right hon. Gentleman recently spoke of the Government as growing old. Now, a great law reform would be a worthy crown of the old age of any Government; for its beneficent operations would be universal, and it would be unseamed by the scars of party conflict. He knew of no great question which would occupy the Government next Session, and, in the event of their taking up this question, he would advise them to take the profession, especially the Judges, into their confidence, believing that they would find no disposition to obstruct reforms. He had abstained from entering into details, desiring to leave the matter in the hands of the Government. The harvest was ripe; it was for them to put in the sickle, and he trusted they would gather into their garner this rich harvest. The hon. and learned Gentleman concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the administration of the Law under the existing system is costly, dilatory, and inefficient; that a competent Commission having reported that the judicial organisation is defective in all its branches, it is desirable that Her Majesty's Government should, in the next Session of Parliament, present to this House a measure for its reform and reconstruction, which, without increasing the public charge, shall provide for the more effectual, speedy, and economical administration of justice,"—(*Mr. Vernon Harcourt,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GRAVES, after thanking the hon. and learned Member for Oxford for bringing the question under the notice of the House, said, he should not have intruded himself upon the debate were it not for the reflection that, although the question partook of a professional and technical character, yet it was a question which ought not to be left entirely to the consideration of legal Members of the House, because it largely affected the interests of the trade and commerce of the country. What he ventured to complain of, on account of those whom he represented, was that in a commercial county like Lancashire there should be so great a deficiency in the facilities that were required for a thorough administration of the law. For Liverpool and the neighbourhood there were now three Assizes; but as an interval lasting from March to August was allowed to take place, many most important mercantile causes had either to stand over or to be brought up to London for final adjudication. The House was well aware that that was attended not only with great inconvenience, but with great expense to the parties concerned. Moreover, a large amount of arrears had to be carried over at every Assize held in Liverpool. He was not prepared to state the exact proportion of the business there; but leaving out of the reckoning the Home Circuit, he believed he was near the mark when he said that the business of the Northern Circuit was equal to the whole of the circuits of England put together. In 1859 three Assizes were granted to Liverpool, including a winter one, and in 1864 Assize Courts were held also in Manchester; but such was the extraordinary increase of business that, notwithstanding the relief afforded by Manchester, the Liverpool causes were really more numerous than before Manchester got Assizes for itself. In 1866, he ventured to bring this question before the House, and he received from the Attorney General of that time, now a Member of the other House, the strongest assurances that it would have the careful consideration of Her Majesty's Government. More recently, important deputations waited upon the Prime Minister from the Chambers of Commerce of Manchester, Leeds, and Liverpool as well as from the legal profession in those towns, and they were assured that the subject would have the anxious attention of the Government. He was aware that subsequently a Bill on the subject was introduced into the House of Lords, which came down to the House of Commons, where it was met by a Motion from the hon. and learned Member for Tiverton, which had the effect of causing the Bill not to be proceeded with. This year, again, although an Appellate Jurisdiction Bill had been brought into the other House, there was no High Court of Justice Bill introduced; and it was of that important omission he especially complained. Year after year Speeches from the Throne conveyed distinct assurances that large measures of law reform would be introduced; yet Session had succeeded Session without any fulfilment of those reiterated promises. About two years ago, he brought in a Bill conferring upon local Courts Admiralty jurisdiction, and enabling Judges of the High Court to visit Liverpool occasionally, in order to dispose of cases of that character. It was a fact worthy of remark that one-third, if not more, of the whole business of the Court of Admiralty came from Liverpool, and that a large number of the cases were local, occurring in the River Mersey from collisions and other causes. The witnesses were on the spot, yet the people of Liverpool were compelled in cases over £200 to bring their witnesses to London to have their cases settled there. The then Attorney General, Sir Robert Collier, took exception to the clause in the Bill dealing with that matter, and he (Mr. Graves) had, in order to get it passed at an advanced period of the Session, to content himself with a measure minus what he regarded as its most valuable part—namely, that which afforded facilities for trying Admiralty cases at Liverpool. All that remained was the jurisdiction conferred on County Courts and upon the Liverpool Court of Passage, the amount being limited to £200. What was really wanted in Liverpool was a continuous Judge sitting in that place. He did not mean that there should be one Judge sitting throughout the year, but a Court sitting through the year. It had been estimated that, if a Court sat there continuously, the amount of general business forthcoming would occupy it for 112 days. He submitted, therefore, that a sufficient reason existed for the early consideration by the Government of the question of law reform, with a view to its speedy application, and he felt persuaded that if it were left solely to the legal Members of that House—among whom, probably, there would be great difference of opinion—a satisfactory conclusion might not be arrived at for some time; but if the commercial Members of the House came forward and stated their own grievances, and if the Government took up the question in a right spirit, the result would be an enormous convenience in the administration of justice and economy both of time and expense. On these grounds, he urged the Governmennt in the coming Recess to prepare a measure on the subject to be introduced into Parliament early in the next Session, so that there might be brought about a more speedy and economical administration of justice in the country.

Mr. HINDE PALMER said, he agreed with the hon. Gentleman who had just sat down that it was desirable to interest those hon. Members who were connected with commerce in a question of this character, which could not be settled within a reasonable time if it were left entirely in the hands of legal Members whose differences of opinion caused so much delay. He recollected, too, that in settling the Bankruptcy Bill, the lawyers received most effectual aid from Liverpool and the commercial Members of the House generally. Whenever a Lord Chancellor brought forward a measure of law reform, the very first difficulty he had to encounter was the opposition of other members of the legal profession, who set about picking holes in the Bill. The Government had, no doubt, other important questions to settle; but none was more entitled to their consideration than those relating to reform in the administratien of the law of the land. When he found how measures of law reform were postponed he did not see any prospect of success for measures which might be introduced; and he therefore thought his hon. and learned Friend the Member for Oxford was entitled to great credit for bringing forward the subject, and for the able manner in which he had done so. It was clear that any measure of law reform must proceed from the Government of the day, and it was the duty of the House to urge on them the necessity of introducing broad and comprehensive measures, and not to leave it to private Members to effect partial changes. He regretted that law reform had not been made a more prominent question in the programme of the Government. The Judicature Commission, which was appointed in 1868, made a Report in 1869, stating that the judicial system of the country was unsatisfactory, and ought to be reformed. The Speech from the Throne in 1870 pointed that out as one of the prominent measures to be introduced. The pledge given in that Speech had been partly fulfilled by the Lord Chancellor introducing a Bill for the establishment of a High Court of Judicature and of an Appellate Tribunal. That Bill passed the House of Lords; but on the 25th July, 1870, the Prime Minister was obliged to postpone the consideration of the Bill until the following Session. From that time to the present, however, nothing had been heard of that measure of law reform, which was intended to carry into effect the Report of the Judicature Commission. He therefore hoped and believed the Motion of the hon. and learned Member for Oxford would be useful in urging on the Government next Session to propose some measure which would be sound and beneficial, and calculated to accomplish the object in view. There were abuses now existing with regard to Liverpool and other places which must be remedied in any reform introduced on the basis of the recommendations of the Judicature Commission, and he wished to impress on the Government the necessity of introducing some satisfactory measure early in the next Session. There was one extensive measure which was not touched by the present Motion, and that was the alteration and amendment of the law itself. The law of settlement and the law of real property required considerable alterations, and those alterations would be greatly facilitated by the establishment of such tribunals as those contemplated by the Judicature Commission. He trusted the Government would give some distinct pledge of their intention early next Session to introduce such an amendment in the judicatory system of the country as would bring home to every man in the land a cheap and efficient remedy in the locality in which he resided, without compelling him to wait for months before he could obtain justice.

THE SOLICITOR GENERAL said, he hoped the House would not be led away by the eloquence of his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) or of those who succeeded him from the terms of this Motion. They were asked to declare that—"the administration of the law under the existing system is costly, dilatory, and inefficient." ["Hear, hear!"] He heard something like a cheer from three or four hon. Members in a House certainly not largely attended, and he took the cheer of those three or four hon. Members to represent the amount of interest which was felt in the question. ["No, no!"] Well, six hon. Members said "No" in reply to those who cheered. But they could not get an alteration of a system of judicature which would make it efficient, unless the public would evince a proportionate interest in the question, and would support those who had not *dilettante*, but substantial reform at heart. Until the public took an interest in the question, it was quite impossible that measures could be successfully introduced and passed into law. Why had not measures of law reform been introduced and carried? Because they had been set on one side to make way for political questions which had greater interest for the country, which aroused stronger feelings among the constituents, and which, consequently, met with greater support in that House. It was not that there was any want of zeal, energy, or ability on the part of the legal Members of the House. They were quite as desirous as some of the hon. Members who talked of urging them on, to bring forward legal questions. It was of no use attempting it; there was no chance for them. The police supervision of public-houses had a great deal more interest for this House and for the country; and it was useless to talk of reforming judicature, until we had determined upon the style of the label which was to be put on the House of the publican who sold adulterated beer. ["Oh, oh!"] That was the plain fact. It was impossible to carry legal measures, because there was not sufficient feeling aroused in the country as to their necessity. He did not agree with the Preamble to the Motion of the hon. and learned Member for Oxford, for he did not acknowledge the whole of their system of law to be either dilatory or inefficient. He spoke of that branch of the law with which he was most familiar. He did not follow the hon. Member for Liverpool, in saying that those were best qualified to amend the law who were least acquainted with it; and, therefore, he did not profess to give any opinion on the amendment required in that branch of the law in which he had not practised. But he would say that it was not true of the great branch of the law with which he was familiar that it was either dilatory or inefficient. ["Oh, oh!"] He said that from his own knowledge. Those who cried "Oh, oh," did so without knowledge. He asserted that the practice of the Court of Chancery could not be accused either of dilatoriness or inefficiency, and he defied anyone who was familiar with its practice to contradict him. That it was costly he did not deny; but it was impossible to make any complicated system of law like ours cheap—in the sense of costing little—in order to get great and difficult questions of fact and law decided. The Government had introduced into the other House of Parliament two Bills, for the purpose of carrying the Report of the Commissioners into effect; but those Bills were rejected, and there was no reasonable prospect that the Government would be more successful next year in that respect. During the present Session, a Bill was introduced by the Lord Chancellor with the view of giving effect to a portion of the Report relating to Appellate Jurisdiction; but the Lords threw out that Bill also. [An hon. MEMBER: Quite right.] If that was quite right, what became of the proposition of the Motion, that they should bring in a Bill next Session? [Mr. VERNON HARCOURT said, he meant a good Bill.] The Bill to which he (the Solicitor General) referred was intended to carry out the recommendations of the Committee; and if that was not desired, he did not understand the reference in the Resolution to their Report. The House of Lords, having thrown out the Bill, appointed a Committee to consider the subject. That Committee had just made its Report, and to convey an idea of it, he might state that it proposed to give to each ex-Lord Chancellor, who now received £5,000 a-year for attending the Sittings of the House of Lords at the hearing of appeals, an additional £2,000 for doing exactly the same work, or, as the Attorney General suggested, a little less. The proposition which had been adopted by the Committee of the House of Lords was that they should have four salaried Members of the Appeal Committee in addition to the Lord Chancellor, receiving £7,000 a-year, and the qualification was that each Member should have filled the office of Lord High Chancellor of Great Britain and Ireland. Then, it was also suggested that there should be another class, who would be, in fact, the present paid Members of the Judicial Committee of Privy Council, and who now received £5,000 a-year for sitting a much larger number of days, and doing a great deal more work than it was proposed the new Committee should be compelled to do. If that was the kind of law reform that the hon. and learned Member for Oxford recommended——

MR. VERNON HARCOURT, interposing, said, if the Solicitor General had paid him the compliment of being present when he addressed the House, the hon. and learned Gentleman would have heard that he strongly objected to that Report. Having been absent, the hon. and learned Gentleman read that which he (Mr. V. Harcourt) had objected to, and held him responsible for adopting it. That was not the way to deal with law reform.

THE SOLICITOR GENERAL, said, he was dealing with the proposition of the Motion, which was that the Government should bring in a Bill next Session which would have some chance of passing. But as it was of no use to bring in a Bill which would have no chance of passing both Houses of Parliament, the Resolution must mean that they should promote a measure to a great extent in such a form as had already been approved by the House of Lords. The Committee of the House to which he had referred was composed of 26 of the most authoritative Members of the House, and he thought that its opinion was not likely to be shaken in the ensuing Session, even if another Bill should be introduced. That being the state of matters, was it fair to reproach the Government with not bringing in a Bill? Having twice brought in Bills which had failed to pass, they had not received encouragement in the matter, and it would be vain to occupy the time of the House of Commons when there was not the slightest prospect of passing any substantial and effectual measure through the other House of Parliament. He did not blame the hon. Member for Liverpool (Mr. Graves) for bringing forward just grounds of complaint; for he thought that the great town of Liverpool had a right to say that its business had so increased that more efficient means should be provided for disposing of the numerous cases which arose in that town. That, however, was an independent proposition, quite different from the recommendations of the only Report which the Commission had yet made. Those recommendations were, first, an alteration in the Appellate Jurisdiction, and secondly a change in the nature of the Superior Courts of Law and Equity at present located in London. The Commissioners proposed to give the Courts new names, to alter their procedure in some general and indefinite manner, and to merge or fuse what were commonly called the branches of Law and Equity. But when those recommendations were submitted to the Judges of the Superior Courts, they met with almost universal disapprobation, and the criticisms passed upon them prevented any effectual legislation. What was the present position of the Government? It was stated that another Report of the Judicature Commission was signed and about to be presented; but surely no one could expect the Government to pledge themselves to carry out the conclusions arrived at by the Commissioners before they knew what those conclusions were? [Mr. VERNON HARCOURT remarked, that his Resolution said nothing of the kind.] He was aware of that; indeed, the Resolution was of that vague and indefinite kind which said nothing. It committed the Government to nothing; it told the House nothing. It was framed in that vague, general, and deceptive manner, which was the means usually adopted for acquiring cheap popularity at the expense of utility. It proposed an Utopian scheme. Suppose some hon. Member proposed that the Government should bring in a Bill for providing roast pig for any individual who desired to eat it, such a Resolution would be just as useful and practical as the one now offered to the House. He admitted that if anyone would tell them how to prepare a measure of improvement which it would be possible to pass, a duty would be cast upon the Government to carry it out; and when they were told that it was desirable to make things better than they were, how could anyone dispute the assertion? But by carrying this Resolution the House would merely allege that the present system was to some extent defective; that it was capable of being reformed; that they would like to reform it—upon which they were all agreed—and that they did not know how to do it, upon which they were also agreed. That was a very safe Resolution; but if the hon. and learned Member would give them a draft of a Bill, they would consider it, with an earnest desire to carry it into effect. They had no wish to recoil from a difficult task, or to appear to refuse a Motion for reform either in the Judicature or anything else. All they asked was, that those who said it was their duty to bring in an effectual measure of law reform should give them at least some outline of what they desired the Government to propose. If the House passed the Resolution it would encourage learned and unlearned Members to weary the House with long speeches, and to curry at small expense of time and labour the favour of the public, under the notion that they were law reformers, and to propagate the idea that the Government were not, forsooth, desirous of carrying out any law reform. Now, that was not the case. The lawyers were all agreed that defects existed; but they were not all agreed about the means by which those defects were to be remedied. He believed he might say they were disagreed. It was not possible to get the lawyers in the House of Commons to agree, and it was still less possible to get people who were not lawyers to agree upon any plan. When the subject came to be considered in a fair and dispassionate spirit, it would be found that all the law reforms which had been carried out during the last 40 years had been initiated and carried through by lawyers. It was utterly untrue, therefore, to say that efficient aid was to be expected from persons who knew nothing of the subject. All the Commissions of which anything was to be expected must be composed of lawyers, and all effective law reforms must emanate from those acquainted with the principles and practice of the law; and if lay Members of the House of Commons could only induce their constituents to take a quarter as much interest in the great question of law reform as they took in other questions, there would be no lack of lawyers, whether they were aspirants for personal distinction, or were animated by the love of their profession, or by the desire of benefiting the community at large, who would do their best to accomplish the object in view; but law reform would not be accelerated by general abuse of the existing system, or by vague propositions like that which the hon. and learned Member for Oxford had submitted to the consideration of the House.

Mr. OSBORNE MORGAN, in supporting the Motion, said, that the hon. and learned Gentleman the Solicitor General had managed to rub them all the wrong way, and had argued that the Report of the Committee was a bad Report; but the hon. and learned Gentleman was not bound to take the recommendation of the Committee; and if the Report was bad, in Heaven's name let him bring in a good Bill. They ought, however, to be just in this matter, as some of the inaction which had occurred was due to the House of Commons itself; and the time of the Government had been occupied with first-class political measures. The present system of legal legislation was like an Irishman's cabin, a patch here and a patch there, and the whole without symmetry or system. He agreed with the hon. and learned Gentleman that Chancery procedure was costly, but he also held that it was dilatory. He would not say that it was inefficient; but its efficiency was not an adequate recompence for either its costliness or dilatoriness. He believed that cheap law in England would continue a mere dream, and must contend that clients did not get their money's worth for their money, and he ridiculed the idea of lawyers being paid by the length of their pleadings. If they were to make justice more expeditious, they must lighten the labours of the Judge by simplifying the procedure; or they must increase the number of Judges, which would involve an additional charge to the country; and if they wanted cheap justice, they must adopt the plan shadowed out by the hon. Member for Liverpool (Mr. Graves) and localize the Courts. He most earnestly pressed Government to take up this matter without delay, as by so doing they would earn the gratitude of the country.

Mr. WEST thought, after the speech they had heard from the hon. and learned Solicitor General, that the Government had gone back very much indeed from the promises they had held out in 1870. They had been told that the Government despaired of effecting any legal reform. [The Solicitor General denied having said that.] The hon. and learned Gentleman at least argued that it was vain and useless for them to embark in legal reform, because they could not get up such an excitement on that subject in the country as arose when they dealt with a question affecting public-houses. The hon. and learned Gentleman further told them that the Government could not undertake any law reforms, because their great scheme sent down from the House of Lords to that House in 1870 failed. Now, if he recollected rightly, the scheme of 1870 was so miserable that the Lord Chancellor could not even get either of the Law Officers of the Crown in that House to support it. It was said, indeed, that the small measure of 1870 was an attempt to carry out the recommendations of the Commission of 1869; but really that was a statement made, to say the least, without sufficient consideration. The hon. and learned Gentleman had further alleged that the administration of the law was neither costly, dilatory, nor inefficient; and he talked about *dilettante* lawyers; but if the present system was so perfect as the hon. and learned Gentleman would lead them to suppose, surely the Judicature Commission, which had been so long engaged upon that subject, must have been entirely wasting their time. Neither could he see how the hon. and learned Gentleman could find such fault as he had with their Report, if he reflected on the fact that the Lord Chancellor and the Attorney General represented the Government on that Commission. In his (Mr. West's) view the first step towards law reform was to reform the highest Court of Appeal to which suitors had to go. If, however, the Government were never to introduce a measure of law reform until all the lawyers were agreed upon it, they would have a fair reason for despairing—as they appeared to do—of being able to achieve any legal reform.

Mr. HENLEY said, that in venturing to make a few humble observations upon the subject under notice, no one felt more than he did the risk that an unlearned man like himself ran in venturing to mix up in a discussion of that kind. But he felt compelled to do so by the consideration that the unlearned portion of mankind were quite as much interested in those questions, and perhaps more so than the learned, for there were in that case the shearers, and those who had the chance of being shorn. He had heard the speech of the hon. and learned Gentleman the Solicitor General with great dismay. It left on his mind —and he feared it would also leave on the minds of those who read it—the impression that it was difficult to come to a conclusion whether or not the hon. and learned Gentleman felt that the Government of which he was a Member were most unable, or most unwilling, or both, to undertake the question. The warmth with which the hon. and learned Gentleman spoke made it impossible to doubt that he was sincere in what he said; and seeing how much that matter had been bandied about for the last two or three years, it seemed that what they had heard that night did not hold out a very hopeful prospect for the laity at large. The hon. and learned Gentleman said that the country was interested in public-houses, and that the Government could legislate respecting them. Whether they would be successful in attempting to deal with the publicans and sinners remained, however, to be seen. The hon. and learned Gentleman further told them that the great learned men, so far from being agreed about law reforms, were all disagreed. That was offering them but poor consolation. But having himself seen something of legal reform, and especially of the Court with which the hon. and learned Gentleman was most conversant, he (Mr. Henley) ventured to say that if the Government, or any man in the Government, had an honest, strong conviction that legal reform was necessary, and joined to that conviction a resolution which turned neither to the right nor to the left, but endeavoured to carry it out, that man would be able to achieve, with the assistance not of the learned, but of the unlearned, such reforms as he could show were necessary, and would be beneficial to the public. If, however, they were to wait till the learned men all agreed, that never had happened, and never would happen, because the instant one said "White" another said "Black." There was but a poor look-out, therefore, for the unlearned part of the community, when they heard the mouthpiece of the Government make such a confession of weakness as had been made that evening. It was a confession which he had never expected to hear, and which he sincerely hoped he should never hear again; but he must say that if the Government really felt weak in the matter, it was an odd way of inviting external aid to cast ridicule in the manner in which it had been done upon the recommendations made on the subject of legal reform. It seemed to excite the indignation of the Solicitor General that anyone should dare to ask the Government to do something next year. If that were the opinion in high places, the House could not have much hope that anything would be done, unless there was pressure put on the Government from without. The reforms made during the last 50 years had not been made through pressure from without, but by the energy of some able men from within, who, seeing what was wanted, did it. Probably, the hon. and learned Member knew what reforms had been instituted by Lord Romilly. [The SOLICITOR GENERAL dissented.] The hon. and learned Member shook his head. Perhaps he did not know as well as those who were on the Commission that it was owing to Lord Romilly's resolution and singleness of purpose that the reforms hitherto made were carried out, despite great discouragement, under a Whig Government. Therefore, if the present Government had connected with it as able and resolute a man as Lord Romilly, law reform would not be wanted.

MR. FAWCETT said, the public need only to ponder over and inwardly digest the hon. and learned Gentleman's (the Solicitor General's) speech to discover why they had no law reform. Not only did his hon. and learned Friend not listen to the speech of the hon. and learned Member for Oxford (Mr. V. Harcourt) but from beginning to end he entirely misstated what had been said, for a great part of his hon and learned Friend's (Mr. V. Harcourt's) speech was devoted to expressing disapprobation and dissent from the recommendations of a certain Committee of the House of Lords. His hon. and learned Friend the Solicitor General, however, occupied himself by referring to that Report as if it had been the foundation of the speech of the hon. and learned Member for

Oxford, and could not conceive the Government had any chance of passing a measure of law reform, because the House of Lords rejected one two years ago. Could not the Government introduce a better measure? Were all measures introduced by the Government the embodiment of their final and unalterable conclusions? And if the argument were carried to a legitimate conclusion, what would have been the fate of the Ballot Bill? The Government had re-introduced that Bill, although once rejected by the Lords; and the Lords had passed that Bill in deference to popular opinion, although strongly disapproving its principle. Then he had objected to the introduction of abstract Resolutions. That was a strange argument to come from the Treasury Bench, considering the Government owed its position to abstract Resolutions. The Government should, above all others, be grateful to abstract Resolutions. Then it was asked why did not independent Members introduce measures of their own? Surely, however, that could not be asked in sincerity, when it was taken into consideration that the time at the disposal of independent Members was reduced to a minimum, and when they could not pass measures of even secondary importance except by the merest chance. The Solicitor General had also construed the Motion into a censure on the Government. It was no such thing; it simply expressed a preference for law reform over other promised measures; and as for the plea that there was no feeling in favour of such a measure in the country, the very object of the Motion was to express such a feeling through the medium of the House. Besides, it would be no difficult task for the Government to create a feeling in favour of law reform. The House knew how successful influential and leading Members of the Government could be in getting up a platform cry in favour of anything. They might in all truth point out the doubtful utility of some of the paltry measures passed; but that there could be no doubt as to the utility of making law less complicated, less dilatory, and less expensive. The working man might be told the question affected him as vitally as anybody else, and it would not take much to awaken enthusiasm for law reform. The Government had always two ways of dealing with a question. They could treat it with indifference, or put their backs to it. Let them treat a measure of law reform as they treated the Bill for the Reorganization of the Army. Let them say the interests of the country were wound up in it—that it must be passed if the House were kept sitting late in the autumn, and then if no response came they would be justified in repeating the statement of the Solicitor General. Mr. Fitzjames Stephen, who had done as much in the way of law reform in another country as anyone, had recently addressed a letter to *The Times*, in which he said that there was no question which so vitally affected the interests of everyone in this country as making our law simple, less complicated, and less costly. He referred to the Church Building Act and the Sanitary Acts as being so numerous and complicated that it was impossible for anyone to express a confident decision upon any point raised in connection with them. And as an instance of the necessity for codifying our law, Mr. Stephen referred to the fact that our legislation was so complicated that it was impossible to define the power of the Secretary of State for India. Mr. Stephen had added that any adequate measure of law reform would be impossible until some Representative of the Government was able to devote his whole time to such matters, an opinion with which he (Mr. Fawcett) cordially agreed. He thanked the hon. and learned Member for Oxford for having taken up this subject, for his hon. Friend could speak on it with a weight of authority and influence to which he could not pretend. After the speech of the Solicitor General, the taunts he had addressed to his hon. and learned Friend the Member for Oxford, and the misrepresentation of his motives, his hon. and learned Friend owed it to the House and to the great subject he had taken in hand to ask the House to express its opinion upon the question, and, if possible, to obtain a definite instruction to the Government that law reform next Session should take precedence of almost any other question.

The ATTORNEY GENERAL thankfully accepted from his hon. Friend the Member for Brighton (Mr. Fawcett) and his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) the assurance that the Resolution was not brought forward in any spirit of hostility to the

Government, but rather in order to obtain a general expression of opinion from the House that the views which his hon. Friends had put forward with so much clearness and ability, should in some shape or other be made the subject of legislative action before long. He thanked his hon. and learned Friend personally for having brought the question forward, and he begged him to understand that in the few observations he should make he would speak in no spirit of hostility to his hon. and learned Friend, or to the cause which he advocated. But, filling the official position which he had the honour to hold, it was his duty to look at matters from a somewhat different point of view, and to consider the difficulties which lay in the way of effective action. The right hon. Gentleman opposite (Mr. Henley) said that the speech of the Solicitor General had filled him with dismay. But the speech of the right hon. Gentleman himself did not bring much comfort to his (the Attorney General's) mind, because the right hon. Gentleman said it was very difficult to do anything in the matter as long as the lawyers disagreed, and that in the course of a long experience he never knew a subject on which the lawyers agreed. That speech was not calculated to infuse much hope into others. Those who had heard the speech of his hon. and learned Friend the Solicitor General would be of opinion that its scope and object had been misunderstood. His hon. and learned Friend was a great Equity lawyer; he practised in the Court of Chancery, and, if second, was second to none but one great and distinguished man who practised in that Court. His hon. and learned Friend, therefore, was naturally enamoured of the system with which he was familiar, and of which he was so conspicuous a part. His hon. and learned Friend the Member for Oxford, and the hon. Member for Brighton would admit that the Solicitor General directed the main scope of his observations to the defence of the judicial system of the Court of Chancery. The Resolution before the House, however, was addressed to the reconstruction of our entire judicial system, which was described as costly, dilatory, and inefficient. His hon. and learned Friend the Solicitor General, while admitting that the Court of Chancery was costly, denied that it was either dilatory or inefficient. Well, he would leave the defence of the Court of Chancery to his hon. and learned Friend. But in that branch of the legal system with which he (the Attorney General) himself was connected, he admitted that large and extensive reforms might be made. He had admitted that before, and no one who remembered the statement which he laid before the House would deny that there was in it materials for law reform, and law reform for a long time. But hon. Gentlemen must not run away with the notion that the wishes of his hon. Friends the Members for Oxford and Brighton could, despite of experience, be easily carried into effect. The House must recollect that, in order to make anything like an efficient alteration in the administration of the law, the Bill which proposed to make it must pass both Houses. It was also necessary to the same end that the highest Court of Appeal should be dealt with. The House of Lords was in possession of that jurisdiction, and he would repeat now what he had said elsewhere —that he did not believe that any plan for the reconstruction of our judicial administration would have a chance of success in the House of Commons which preserved in anything like its present position the judicial functions of the House of Lords. But then it should be borne in mind that we had to deal with an ancient, honourable, and proud Assembly, which treasured its judicial functions as its most precious inheritance, and which, as far as present indications of opinion went, was resolved not to part with it. If, therefore, he had stated the case fairly, it would be seen that the task which his hon. Friends proposed was one of no little difficulty. He did not make these remarks with the view of conjuring up difficulties; but any man who wished for success in what he attempted must be prepared in a candid spirit to take into account the conditions of the problem with which he had to deal. This was what the House of Lords thought of law reform. The Lords appointed a Committee, consisting of 27 of their most distinguished Members, including all the Law Lords except Lord St. Leonards, whose age precluded his attendance. Their notion of a Supreme Court of Appeal was, that there should be four ex-Lord Chancellors receiving £7,000 a-year each instead of their present £5,000;

there were also to be certain life Peers—lawyers, who were not to take part in the legislative functions of the House; who were to have titles, but would be semi-noblemen; and the persons who suggested that these lawyers should be appointed on such conditions, sitting mute while the House was discharging its legislative duties, and taking an inferior position in the Tribunal of Appeal, were two noble and learned Lords of his own profession. It had been said that the river Lethe ran between the Bar and the Bench, and certainly a very deep and broad Lethe must run between the Bar and these noble and learned Lords when they made such a proposition. If any persons supposed that he, the present leader of the English Bar, would submit any such proposal to the House of Commons on the part of the profession to which he belonged, they had greatly mistaken his character. The facts he had mentioned showed the chance which an efficient measure of law reform had in the present state of opinion in the House of Lords. He thought he heard his hon. and learned Friend the Member for Ipswich say—"Then go out!" If his going out were followed by the coming in of his hon. and learned Friend, he would go out with great pleasure. His hon. and learned Friend should have his office for the asking to-morrow; but he did not know that his going out would much advance a measure of law reform, unless his hon. and learned Friend would pledge himself to carry those measures, which was not to be expected. The difficulty he had mentioned was one of the almost insuperable obstacles in the path of anyone who wanted to reform our judicial organization. His (the Attorney General's) notion of law reform was, to take particular portions of the law which might not touch the prejudices and excite the passions of an Assembly over which they had no influence, and try to improve these portions. That was a humbler, but it was a practical duty, and might lead to good results. Such a duty he had already undertaken, and in this very year had carried through a Select Committee an important amendment in the law relating to juries. Then there was the law of evidence, which he should certainly endeavour to reform another year. But he was not prepared to propose a large change in our system of judicial organization, because he could not put the keystone to such an edifice; it was not his duty to do so; the task of initiating such a change must rest with the Lord Chancellor, and must be undertaken in the other House. He would not enter into the details touched on by his hon. and learned Friend; but as to one of them he did not agree that it would be well to create a High Court of Appeal entirely free from political influence. He should be sorry to see his profession cut off from all connection with the political world. Such a separation could not tend to the advantage of the public, of the profession, or of the Bench. The Bar and the Bench were all the better for their contact with the current of political opinion in this country. Nor did he think it was well for the Common Law branch of his profession when it was dominated by that most able, upright, learned, but, he must add, somewhat narrow-minded man, Lord Wensleydale. With all respect for that learned Judge, his influence in the profession was not at all a healthy one, and would have been much better had he been in this House and mingled with political parties. He was one of those lawyers whose epitaph some one had written and had said—"*Summâ industriâ, et summo acumine, leges Angliæ ad absurdum reduxit.*" He did not agree with his hon. and learned Friend in other respects. While thanking him for the way in which he had brought this question forward, he really could not see how anything would be gained at this period of the Session by reviving a matter of this kind; and he therefore hoped his hon. and learned Friend, as well as the hon. Member for Brighton, would be satisfied for the present with the opportunity they had had of drawing out debate on the subject, and would allow the Motion to be negatived.

Dr. BALL said, he was disposed to agree with the Solicitor General, when he viewed with jealousy abstract Resolutions on law reform, and also with the Attorney General, in attaching more value to patient and laborious investigations of detail connected with the administration of the law, than to any heroic remedies which might be suggested to meet the defects complained of. As an Irishman, however, he must express his decided dissent from any proposition to make the appeals from the Irish Courts he represented not to the House of Lords, but to English Judges of the same calibre as in the Courts appealed from. Scotch lawyers entertained the same opinion on the subject. It was a serious matter to meddle with a tribunal which had in its favour all the sanction of antiquity—the sanction of acquiescence on the part of other portions of Her Majesty's dominions—and which was respected not merely on account of the superiority or wisdom of its decisions, but for those very adjuncts and sources of respect which his hon. and learned Friend could not, in a moment, create in the new Court he proposed. For his own part, he most emphatically advocated the maintenance of the external name, authority, power, and dignity of the House of Lords as the appellate tribunal. With regard to the expense attending the transfer of property, he had witnessed a variety of changes in connection with law in Ireland, but with no real good result, except in the case of the Landed Estates Court, which considerably cheapened the cost of transference, and at the same time rendered litigation, in regard to title unnecessary, if not impossible. The fact was also notorious that land sold in the Estates Court brought a higher rate of purchase than any land that was sold on private title, because the purchaser obtained the land free from the burdens that were inseparable from a want of finality. Lord Westbury evidently had these advantages in his mind when he brought in his Bill for the registering of titles. He thanked the hon. and learned Member (Mr. Wren-Hoskyns) for the efforts which he had made to cheapen the expense of the transfer of land, and would say, if they wanted a real practical law reform, let them extend the Parliamentary title of Ireland to English property.

MR. COLLINS said, he would endeavour to bring the debate down from the high altitude which it had attained. He believed that the reason why landowners had refused to carry their land into Lord Westbury's Court, was that it cost more to get an indefeasible title than what it was worth. No doubt, when an indefeasible title was obtained, it added to the value of the estate; but gold might be bought too dear, and he thought it would be impossible and undesirable to compel persons to register their property so as to give an indefeasible title. The reforms of the Judicial Committee and the Appellate Jurisdiction of the House of Lords were comparatively unnecessary to the mass of the people in this country. Not one case in a thousand would come before any ultimate Court of Appeal. What was wanted to be got rid of was the intervention of the London and the local attorney. Every person was occasionally driven into a Law Court; but so long as the County Courts had jurisdiction only to the extent of £50, that limitation operated as a denial of justice. County Courts ought to have almost unlimited jurisdiction; they ought to have power over the transfer of property, the Judge having power to reserve any question that came before him to a higher jurisdiction. The County Courts were perfectly competent to deal with cases either of £50 or £5,000, and plaintiffs would be glad to bring their actions in them. What was wanted was a local jurisdiction, and that could be easily given, for the County Court Judge visited every market town in his district every month; whereas the Assizes were held only three times in a year. Supposing an action of ejectment to be commenced, the tenant was served with a notice, and he had not a leg to stand on. He admitted this; but he said he would stand over till the Assizes came in September or October; he would gather in his crops. The landlord could do nothing with him. The landlord was driven into a corner, for the Assize Courts were held only at long intervals. What was wanted was local justice. Instead of reforming the Judicial Committee and the Appellate Jurisdiction of the House of Lords, what was wanted was that the County Court Judge should decide all cases, unless the Judge decided that they ought to be heard before the superior Judges, or the defendant, upon removing the cause to a Court of Superior Jurisdiction, gave security for costs. In that way they would ensure prompt and inexpensive justice.

MR. GLADSTONE, as he understood that it was the intention of the hon. and learned Member for Oxford (Mr. V. Harcourt) to take the judgment of the House on the Amendment, must venture to say a few words to show that the course taken was highly impolitic. In the first place, the hon. Mover of the Resolution intended by a vote of the

House to assert that the administration of the law under the existing system was costly, dilatory, and inefficient; and then the Resolution went on to assert that a competent Commission having reported that the judicial organization was defective in all its branches, it was desirable that Her Majesty's Government should, in the next Session of Parliament, present to the House a measure for its reform and reconstruction, which, without increasing the public charge, should provide for the more effectual, speedy, and economical administration of justice. With regard to the first of these points, did the hon. and learned Member think that it was wise, as a practical measure, to call on the lay Members of the House, who must feel that they were unacquainted with the subject, to assert for their own credit and in their legislative character that the administration of the law under the existing system was costly, dilatory, and inefficient? [Mr. WHALLEY: Oh!] The hon. Member for Peterborough knew everything, and propounded as matters within his own knowledge many things known to nobody else on the face of the earth. He (Mr. Gladstone), however, was not prepared to put an opinion in the scale in such a matter. It was not a wise, a circumspect, a dignified course of action to call on hon. Members who knew nothing practically of the working of the law to say that it was costly, dilatory, and inefficient. The position was worthy of examination, but it was not fit for a legislative declaration from the House. As to the second point—that, a competent Commission having reported that the judicial organization was defective in all its branches, it was desirable that the Government should in the next Session of Parliament present to the House a measure for the reform and reconstruction of the existing system, which, without increasing the public charge, should provide for the more effectual, speedy, and economical administration of justice —he thought the proposition was a reasonable one to entertain. But was it proper that the House, at the close of the Session, should introduce a cut-and-dry measure for consideration next Session? The policy was at least questionable, and it was unwise, because it had a tendency to diminish the responsibility of the Government. It was simply to receive an order from the House that a certain measure was to be produced. Was that the mode of obtaining successful legislation? Why, it would enable the Government to shelve the responsibility off their own shoulders, and to lay it on his shoulders and the shoulders of the House. Let not the hon. and learned Member steal a march on the Government; but let him remember that in a similar manner the hon. Member for Brighton had already ordered the Government to introduce a measure for elementary education in Ireland. Was it not better that the Government should be left to act upon their own responsibility than that the function should be taken from them, and that they should be directed by means of abstract Resolutions proposed by private Members to introduce Bills dealing with questions upon which they, as responsible Advisers of the Crown, were not prepared to take action? If he desired to indulge in a tendency to ease and repose—which was not unnatural in one who grew old—he should like nothing better than to be relieved of the responsibility of directing action by a line of conduct similar to that which was being pursued by his hon. and learned Friend. He would admit he had a leaning to the views expressed by his hon. and learned Friend; but he felt it to be his duty to warn the House against entangling itself in the consequences of passing abstract Resolutions. His hon. Friend the Member for Brighton seemed to be of opinion that, in reference to the Irish Church legislation, the Government acted upon an abstract Resolution. To an extent he was right; but his hon. Friend, who possessed a good memory, must remember that the action taken was not delayed until a Session after the passing of the Resolution, but came on the following day. He hoped his hon. and learned Friend would not put the House in the false position in which it would be involved by agreeing to the Motion he had proposed, and that the House itself, if the proposal were pressed to a division, would agree to the original Motion, which was, that Mr. Speaker should leave the Chair.

MR. SPENCER WALPOLE expressed his opinion that the view taken by the hon. Member for Brighton with regard to the Irish Church was correct, and that the right hon. Gentleman at the head of the Government really did propose and act upon an abstract Resolution, upon which he brought in a suspensory measure with regard to the property, position, and functions of the clergy, rather than to the general question of the position of the Church itself. At the same time, he agreed in thinking that abstract Resolutions were so unadvisable that it would be unwise in his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) to ask the House to divide upon his Motion. If, therefore, the Motion was pressed he should vote, not against it—for he agreed in the main with the principle involved, more especially with reference to the propositions which had come from the Judicature Commission, which could not remain suspended for many months, and which, under any circumstances, ought to be dealt with in the next Session of Parliament—but he should vote in favour of the proposition that Mr. Speaker do leave the Chair, for that was nearly similar to the Previous Question. It ought also to be borne in mind that his hon. and learned Friend had not asked the House to vote upon a question of reforming the law generally, but merely as to the machinery by which the law should be administered, and, until he (Mr. Spencer Walpole) knew more clearly what that machinery was to be, he could not vote for an alteration in its processes. He hoped the Government would soon be able to see their way to take up the question, which had long been under consideration, in its broadest sense, and deal with it comprehensively and as a whole.

Mr. WHALLEY said, the right hon. Gentleman at the head of the Government had asked the hon. and learned Member for Oxford to leave the matter of law reform in the hands of the Government; but, for his own part, he would entreat the hon. and learned Gentleman not to yield to that appeal. After the speeches of the Solicitor and the Attorney General it was manifest that the cause of law reform could not be advantageously intrusted to the Government of which they were Members. Nothing was more directly opposed to anyone's experience than the Solicitor General's statement that the Court of Chancery was a perfect model, and that though it might be costly, it was certainly not dilatory, and was most efficient. It was an absolute anomaly, and the best thing to be done with it would be to treat it as the Court of Chancery in Massachusetts was treated—shut it up, and put a notice on the door—"No more business to be done here." An eminent American Judge had told him that that course had worked extremely well, and that the State was now rid of an unmitigated nuisance. There was no wrong that the Common Law would not provide a remedy for. As an instance of the delay which occurred in the progress of cases through our Law Courts, he might instance a case in reference to which he had placed a Notice on the Paper—the Tichborne case.

Mr. SPEAKER pointed out that it was irregular in the hon. Gentleman to refer to a Motion not yet before the House.

Mr. WHALLEY said, he only wished to give it as an instance of the costliness, delay, and inefficiency of the present administration of the law. It was the case of a man who for five or six years had been ranging the country.

Mr. SPEAKER said, he had already stated that the hon. Gentleman's reference to a Motion not yet before the House was irregular.

Mr. WHALLEY said, he had abandoned that Motion, and he believed he was at liberty to refer to the Tichborne case as one of the greatest scandals to the administration of justice in this country. He wished to ask the Home Secretary, if he would not put an end, with as little delay as possible, to that great scandal.

Mr. SPEAKER said, this was irregular, and he must call upon the hon. Gentleman to proceed with the subject immediately before the House.

Mr. WHALLEY said, he had great pleasure in supporting the Motion of the hon. and learned Member for Oxford.

Mr. VERNON HARCOURT said, he was aware that he had no right of reply, but wished to say just a sentence in answer to the right hon. Gentleman at the head of the Government. The Solicitor General having put the issue on this ground—that neither the House of Commons nor the country cared about law reform, he (Mr. V. Harcourt) thought that that point ought to be tested. There was no doubt that the Solicitor General did not care about law reform.

Mr. WHITWELL remarked that although only one Gentleman connected with the commercial interests of the country had had an opportunity of taking part in that discussion, yet commercial men were particularly alive to the importance and also the urgency of reform in the administration of the law, and would not long remain content with the law as it stood. If the Report of the Judicature Commission stimulated the Government into action, it would do great good to the community; but as he saw no practical issue to the Resolution which had been moved, he should vote against it.

Question put.

The House *divided:*—Ayes 60; Noes 45: Majority 15.

Original Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

PARLIAMENT—BUSINESS OF THE HOUSE—SATURDAY SITTINGS.

WITHDRAWAL OF MOTION.

Mr. RYLANDS, in withdrawing a Motion of which he had given Notice,

> "That, in the opinion of this House, it is inexpedient during the period of the Session when there are Morning Sittings, to take opposed Votes in Committee of Supply on Friday nights, after the Motions on going into Committee have been disposed of,"

complained strongly that, without any Notice on the Paper or otherwise, there should be a Saturday Morning Sitting, totally regardless of any arrangements which private Members might have made. It was the result of the policy of the Government in endeavouring to push forward measures which there was no time adequately to discuss.

Colonel WILSON-PATTEN said, that although he did not ordinarily take a prominent part in matters of the kind, he had received so many representations from hon. Members on both sides of the House of the great inconvenience which they would be subjected to from the holding of a Morning Sitting to-morrow (Saturday), owing to the shortness of the Notice which had been given, that he felt he could not do otherwise than make the strongest possible remonstrance against the course taken by the Government upon the point. He was quite aware of the difficulty in which the Government were placed in endeavouring to get the Business before the House completed in any reasonable time. But the measure set down for the Morning Sitting was one that had attracted much more than common attention, and he hoped that his right hon. Friend would not think it necessary to take a Saturday Sitting in the face of the fact that several hon. Members had left town under the impression that the Licensing Bill would not be proceeded with until some day next week.

Mr. J. LOWTHER complained of the sudden and unexpected way in which the determination of the Government to sit on Saturday had been conveyed to the House.

Mr. MONK, on the other hand, stated that, in his opinion, the right hon. Gentleman in charge of the Bill had given quite as full a Notice as was possible under the circumstances.

Mr. NEWDEGATE said, that early that Session he gave Notice of a Resolution, to the effect that in the event of any alteration of the Meetings of this House being proposed, such alterations should be proposed only on Fridays, and before 5 o'clock, and should then take effect during the ensuing week. It was quite true that the presumption of the House was that they were here always, and it appeared that they were almost always there in fact. At the same time, it was impossible to keep more than 600 hon. Gentlemen always there, who had engagements in different parts of the country. He intended to have gone into the country himself to-morrow, and he should have done so, had he not received a message which prevented him. But for that accident, he should not have been at home in London when the Notices were distributed, and he should have known nothing of the meeting on Saturday, for he had left the House before the announcement was made just before 7 p.m., expecting nothing of the sort. Of course, he was but one out of 600; but sometimes in the event of a division, a single vote was effective. It appeared to him that that was a matter which nearly affected the constitution of that House, for when a certain number of hon. Members only assembled at a very short notice without the knowledge of the great body of the House, that a Sitting was to be held, the hon. Members who assembled constituted a sort of self-appointed Committee, but it was certainly not "the House" that met. It was manifest, then, that unless their Rules comprehended due notice as to the time of meeting, though a certain number of hon. Members might be present in the House, practically it was not "the House" itself that assembled. Having seen the great difference of opinion which prevailed among hon. Members with respect to questions touching the course of Business in that House, and seeing how hon. Members had on those questions allowed themselves to be counted out when they had attempted to bring forward the matter, he determined not to do anything further in reference to the Resolution of which he had given Notice that Session, and withdrew it; for the House seemed not to have a due regard either for its own dignity or efficiency, but wantonly allowed any infringement of privileges. By the present arrangements of the House unofficial Members were precluded from bringing forward questions in which they felt a deep interest. He trusted that in the next Session, if not in that, they would come to some Resolution which would ensure to all hon. Members of the House that they should, on Fridays, know at what hour the House was to meet in the ensuing week.

MR. GLADSTONE said, he was extremely sorry if he had done wrong; but he did not wish to waste time in defending the course he had pursued, because he believed he had in this matter acted in accordance with precedents familiar to the majority of the House; and, further, he was informed that a Sitting on Saturday having been ordered by the House, the Resolution was now irrevocable. He, therefore, saw no grounds for consuming the time at that hour (half-past 1 o'clock) in discussing the question.

MR. CAVENDISH BENTINCK contended that no sufficient Notice had been given that there was to be a Morning Sitting on Saturday. He would appeal to Mr. Speaker to say whether the course which had been adopted was not irregular.

MR. SPEAKER said, there had been no irregularity in the matter. The House was quite at liberty to fix a meeting on Saturday without specific Resolution to that effect, although occasionally the House had thought proper to pass such a Resolution. On the Report of the Committee on the Licensing Bill at the Morning Sitting, he had distinctly put the Question that the Committee should be resumed at 12 o'clock on Saturday, and, as it was not challenged, of course the Committee was fixed for that time.

COLONEL WILSON-PATTEN said, that after what had passed, he would only desire that what he had said might be considered as a remonstrance against the recurrence of such a Resolution without longer Notice being given.

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Saturday, 27th July, 1872.

MINUTES.] — PUBLIC BILLS — *Committee*—Intoxicating Liquor (Licensing) [198]—R.P.
Considered as amended—Pawnbrokers * [233].
Third Reading—Military Manœuvres * [251], and *passed.*

The House met at Twelve of the clock.

INTOXICATING LIQUOR (LICENSING) BILL—(*Lords*)—[BILL 198.]

(*Mr. Secretary Bruce.*)

COMMITTEE. [*Progress 26th July.*]

Bill *considered* in Committee.

(In the Committee.)

Adulteration.

Clause 22 (Analysis of intoxicating liquor).

On the Motion of Mr. RAIKES, Amendments made by leaving out in page 8, line 26, the words "may analyse the same or," in order to insert the word "shall;" and in line 27, after "time," inserting the words "and by such person."

SIR HENRY SELWIN-IBBETSON moved, as an Amendment, in line 28, after "appoint," insert—

> "Provided always, That a reasonable notice shall have been given by such officer to the vendor by whom such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is open for analysis."

MR. BRUCE said, he had no objection to the Amendment.

SIR DOMINIC CORRIGAN thought it was granting too much. Persons accused of having supplied poison did not receive any notice of when or where the analysis was to take place; neither did the vendor of milk get notice.

Sir HENRY SELWIN-IBBETSON said, the object of the Amendment was simply to secure that the thing should not be decided in a hurry, but that sufficient time might elapse before the analysis took place.

Amendment *agreed to.*

On the Motion of Sir Henry Selwin-Ibbetson, Amendments made, by inserting in line 36, after "seals," the words "belonging to the vendor;" in line 39, after "seals," the words, "and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise;" and in page 9, line 3, by omitting from "the vendor" to "officer" in line 5, both inclusive.

Amendments *agreed to.*

Clause, as amended, *agreed to.*

Closing Licensed Premises in case of Riot.

Clause 23 (Power of Justices to close licensed premises in case of riot).

Mr. MUNTZ, in moving an Amendment in page 9, line 16, to leave out the words "or tumult;" and in the same line the words "or is expected to happen," said, he objected to the use of the word "tumult" as too wide in its meaning, and as timid magistrates were the most dangerous men in existence, they would put their own interpretation on it, and if there was a little noise outside a public-house they might be alarmed, and in the alarm do anything—perhaps, even order the troops to fire. But that was not all, for the clause said they were to act in the case of an expected tumult. He would therefore move to have those words struck out of the clause, as he wished to prevent two magistrates having the power of closing all the public-houses in a town or district. Why, if they did want to kick up a row, they could not go a better way about it than by all at once, without any notice, turning into the streets the people who were enjoying themselves in the public-houses; he should therefore move the omission of those words.

Mr. W. H. SMITH inquired how they were to ascertain that a tumult was expected.

Sir Dominic Corrigan

Mr. BRUCE pointed out that the clause only recited that which was the law at present, and it was quite necessary in these matters to trust, to some extent, to the discretion of the magistrates.

Mr. MUNTZ said, it was precisely because it was the present law that he did not like it.

Mr. MITCHELL HENRY said, that it was also the law in Ireland, and it worked well. It must be assumed that the magistrates were possessed of a certain amount of discretion.

Amendment *negatived.*

Clause *agreed to.*

Clause 24 (Times of closing).

Sir ROBERT ANSTRUTHER said, that as his Notice of Amendment stood first on the Paper, and was set at the head of a long list, he wished to intimate that, having given all those proposals the most careful consideration, he had arrived at the conclusion that if the House were to entertain them a second time, it would be impossible they could carry the Bill that Session. However, as he was sincerely desirous to assist the right hon. Gentleman the Home Secretary in making some progress with the measure, he had cast about to see how and where he could help him. It was quite clear they could not all succeed, however much they might hope to do so, and that being the case they were bound to consider what might be a fair compromise. He would not weary the Committee by going over the several proposals; but he thought the best thing they could do in respect to the hours of closing was to follow the advice of the Home Secretary, and rely on the discretion of the magistrates. It was impossible to lay down a hard-and-fast line for all parts of the United Kingdom, and having conferred with several gentlemen who felt an interest in this question, the conclusion at which he had arrived was that the hours of closing as regards London ought to stand as they were. ["Hear, hear!"] He was ready to admit that the case of the metropolis was peculiar, and it could not be expected that what was suitable to a small town would meet the wants of London; elsewhere, however, as the circumstances of each district varied, he would leave it to the discretion of the magistrates to say what should be the hours of closing.

It was, however, desirable that there should be certain limits to hours of opening and closing, and he hoped the right hon. Gentleman would so define them as to meet with the approval of the Committee. With regard to the Amendments which he had placed on the Paper, he would simply say that he had taken them from the Bill of last year, and he could not understand why what was suitable in 1871 should not be equally so in 1872. The right hon. Gentleman proposed to substitute a population of 2,500 for 10,000 as it now stood in the Bill, but he considered 5,000 would have been preferable. Perhaps the best thing that could be done would be to say that in all towns with a population up to 2,500, the hour of closing licensed houses should be 10 o'clock, and that a discretion to fix within certain limits, between 10 and 12 P.M. for closing, and between two given hours in the morning for opening, should be given to the magistrates. He hoped his right hon. Friend the Secretary of State would be disposed to come to some such arrangement.

MR. COLLINS said, there were numerous Amendments placed to the clause on the Paper, and amongst the others he also had an Amendment, for he did not at all agree with the provisions in the Bill as to the time of closing. It was certainly in the lateness of the hour to which houses were allowed to keep open that the great evil of this question existed, and he had therefore given Notice to make the hour of closing 11 o'clock all round; but he was not supported in that view, judging from the numerous letters he had received on the subject. Being satisfied, however, that the Bill would be of very little use if no change were made in the hours during which the houses were open, he hoped the right hon. Gentleman who had charge of the Bill would consent to the hour of closing being fixed at 12 o'clock at night in the metropolis, 11 in towns and outlying villages beyond large towns having a population exceeding 2,500, and 10 in places comprising a population less than 2,500.

MR. LOCKE said, he felt inclined, if in a condition, to move that two objectionable lines be struck out of this clause. ["No, no!"] He said if he felt in a condition; but he did not. He could not but allude to the very "elastic" speech of his hon. and learned Friend the Member for Boston (Mr. Collins), who proposed that 12 at night should be the hour of closing in the metropolis, 11 in towns and some outlying country villages, and 10 in other villages—the time of closing varying in proportion to their populations. Now, his (Mr. Locke's) plan would be 12 o'clock throughout all places, with certain exceptions. A publican, however, ought, in his opinion, to be allowed to keep his house open as long as he thought proper. Of course, there would be police regulations. As it was then in London, all public-houses were not kept open till 1 o'clock, the existing prescribed hour, and if hon. Members went into the City of London they would find that almost all public-houses were closed at 6 o'clock in the evening. And why? Because no one wanted to use them. Men of business took their dinners in them at the dinner hour, and when business and its rush were over all were off, and almost all the houses were closed. The London Tavern was of course open; but if a man wanted a chop elsewhere in the evening, within the City, he could not get one, because no chop-house was open. And why? It would not pay to keep them open; the rule being that houses were kept open for the convenience of the public, and that the proprietors closed them when they found the wants of their customers satisfied. He made those observations to show what his own feelings were on this subject. He, however, thought, looking at the existing regulations in force in the metropolis, that they should not be altered, and he sincerely hoped that the House of Commons would not restrict the hours in any case more than was absolutely necessary or could possibly be avoided. There would be, he felt convinced, no advantage gained by altering the hours in the manner proposed by the Government, but he agreed with the hon. Baronet sitting on his left (Sir Robert Anstruther) that they could not have it all their own way. He would, however, add that the interests of London were so great and varied, that if the clause passed as proposed great difficulties would result.

THE CHAIRMAN pointed out that there was no specific Amendment before the Committee on this branch of the clause.

MR. COLLINS moved the postponement of the clause.

Sir HENRY SELWIN-IBBETSON said, the question about the hours of closing was one of the most serious difficulties of the whole Bill to be dealt with, and he hoped it would meet with the serious attention of the Committee. It, however, required the greatest care in handling, lest a reaction should be evoked against their whole legislation. The hon. and learned Gentleman the Member for Southwark (Mr. Locke) said he thought publicans should be allowed to keep their houses open as long as they might think proper; but his hon. and learned Friend seemed to forget that there was already an Act known as the "Public-house Closing Act."

Mr. LOCKE: I alluded to the police regulations, and I added that I wished the house to be the same under the provisions of the Bill that they are at present.

Sir HENRY SELWIN-IBBETSON: There was no doubt the feeling was very strong on this question, and that it was in favour of closing, if possible, at an early hour. He had a Notice on the Paper in reference to the question, carrying out a modification of the original terms of the Government Bill; but after some consideration, he believed they would be doing better by adopting the suggestion of the hon. Baronet opposite (Sir Robert Anstruther). He agreed that it was not easy to draw a hard-and-fast line. There were some towns in which, according to circumstances, houses were kept open much later than in other towns, thus indicating elasticity in the rule. The difficulty was one requiring much consideration to solve. There was one thing of great importance to be considered, that in many places closing the public-houses at 11 o'clock would be more acceptable to the inhabitants themselves and to the local authorities.

Mr. MELLY said, he thought if magistrates had a discretionary power they would most probably act together, and come to uniform decisions, not only as to towns, but as to the surrounding hamlets. He knew instances in which the county magistrates fixed the hours at 10, while the borough magistrates in the same district fixed the limit at 11 o'clock.

Mr. R. N. FOWLER: Suppose a man were a pilot or a fisherman, would you say that he should not be admitted to a public house before 6 o'clock in the morning?

Mr. DICKINSON held it to be of the utmost importance on this subject to establish a proper principle—some rule applicable to the publican's trade as to all others, subject only to this exceptional legislation. They should do all they could to encourage publicans, especially in the country, who did not keep late hours. There should be licenses granted at a certain rate for premises closing at 9 o'clock, and for only six days in the week; while those who desired to keep open later, and also on Sunday, should pay for the privilege at higher rates for their license. That would in a great measure leave the publican to carry on his business as he liked, and at the same time keep the hours and Sunday trading within the power of the licensing authority.

Colonel RUGGLES-BRISE complained that they were legislating on Saturday without due notice on this important subject, in the unavoidable absence of many hon. Members who were most anxious to be present. Nothing could be more objectionable than the hard-and-fast line laid down by the Bill. They could not legislate for all parts of the country irrespective of the circumstances and wants of each locality. As to the hours during which public-houses might be open on Sundays, from 1 to 3 would be found most inconvenient. In country parishes afternoon service generally commenced at 3 o'clock, and it would be most objectionable for families to meet men rolling out of the public-house when service was commencing. He was of opinion that the hours of opening should be such that they would not interfere with the hours of Divine service, and that the magistrates should have a discretionary power to regulate those hours so as they would not come into antagonism. He believed that the people at large felt the greatest confidence in the magistrates, and it would be better to leave the regulations in their hands. The hours of closing on Sundays was the great question of the day, and he hoped that stringent restrictions would be placed upon the opening of houses which gave rise to the largest number of cases of drunkenness in the week.

Mr. BRUCE said, he quite agreed with the hon. and gallant Gentleman (Colonel Ruggles-Brise) that this was one of the most important—if not the most important—clause in the Bill; and it was obviously one of great delicacy and difficulty, requiring the most careful and prudent consideration. Without depreciating the desire to legislate in such a manner as would conduce to good order, they must at the same time consider what were the settled habits of the people, and those who were most sensible of the evils of drinking—and they were very great—simply for the indulgence of a vicious habit, must bear in mind that if they carried their legislation too far it might lead to popular discontent, if not tumult, and result in a retrograde policy. It was, therefore, necessary, in dealing with a question of this kind, to give due consideration to the settled habits of the people in different localities, and instead of defering to extreme opinions, they must endeavour to ascertain what would be most acceptable to the great body of the people, consistently, of course, with the main object they had in view. The proposals of the Government were not founded on their own opinion alone; for legislation on this subject was desired and demanded by the country, and by no class more than the respectable working men. Of course, no one could say that occasional inconvenience might not be caused by any limitation of the open hours. Even the Early Closing Act—between the hours of 1 and 6 A.M.—introduced by his right hon. Friend the Member for Morpeth (Sir George Grey) involved a certain amount of inconvenience; but the advantages to public order were so great as entirely to counterbalance it. They must proceed prudently and cautiously, and make such further reductions as were called for, by none so strongly, he must say, as by a large number of respectable publicans themselves. Of that he had received very strong evidence, since a deputation of those gentlemen had waited upon him with reference to a Petition which had been presented containing a number of inaccurate statements. The hours in the Bill were those recommended many years ago by the Select Committee which was presided over by the right hon. Member for Wolverhampton (Mr. C. P. Villiers), and if the Committee adopted tho Amendment which he (Mr. Bruce) should propose, they would, he believed, while retaining these hours in the body of the Bill, at the same time admit the operation of a principle which would be found beneficial in practice by allowing variations as to the hours of opening and closing which would be in accordance with the habits of the people in different localities, and placed under differing circumstances. By the Bill, 11 o'clock was to be the closing hour as regarded the large proportion of the country, extending to all places, except the metropolis, with a population of over 10,000. That had been for some years the law in Scotland, and he could not suppose that what had been found convenient in a large and busy city like Glasgow, with its varied industries, would be found inconvenient for such cities as Manchester and Liverpool. The Government had, therefore, authority and precedent for what they were doing, and he believed the hours of the Bill might be adopted without any great public inconvenience or dissatisfaction. At the same time, it was perfectly necessary, owing to the representations received by the Government, that the limit within which public-houses might be kept open till 11 o'clock should be extended from a population of 10,000 to 2,500. There would be great advantage, therefore, if there could be some machinery they could trust for adopting those hours which would be most convenient in particular localities. In case of a private Bill for Liverpool or Manchester, they would have to take into consideration the local habits of the population, and adopt hours which might not be the same for other towns. That was the argument in favour of a more elastic system, the hours fixed in the Bill being adopted as the ruling hours. He was bound to say that since the second reading of the Bill he had received representations showing that great advantage would be gained by adopting that suggestion. There seemed a general disposition to accede to it; and it would, at least, have this effect—that it would get rid of a great number of Amendments, the discussion of which would occupy much longer time than the Committee would be disposed to devote to them. He would suggest, therefore, as an alternative scheme, which he should be prepared to introduce if it met with the support of the Committee, that, setting aside for the moment the metropolis, to which the proposal did not apply, in all places where the population was over 2,500, the Town Councils in municipal boroughs, Improvement Commissioners, Local Government Boards, and, in other places where none of such bodies existed, the justices should have the power of fixing the time of opening between the hours of 5 and 7 in the morning, leaving the hour of 6 in the Bill, and that of closing between the hours of 10 and 12 at night, leaving the hour of 11 in the Bill. The only difficulty that presented itself in connection with that proposal was the disturbing influence it might exercise on municipal elections. To meet that he thought it would be prudent to provide that the hours, when once fixed, should remain unchanged for three or five years, as the House might think best on full consideration. His own view was in favour of the longer period. The reason why he proposed that the municipal councils and other representative bodies should have this power instead of the justices was that the question was not so much one of good order and police, which came within the jurisdiction of the magistrates, as of public convenience; upon which, by the very nature of their existence, these representative bodies were likely to be better informed, and more in accord with the public feeling and wants of the locality than the justices could be. The principle of this regulation had been embodied in the Early Closing Bill of his right hon. Friend the Member for Morpeth, and it had worked most satisfactorily. It would be observed that the powers of varying, extending, or limiting the hours of opening and closing were confined within the limits prescribed by the Bill. If his suggestion were adopted, then, the hours of closing and opening would, in fact, stand as they were in the Bill, but it would be for the local authorities to determine whether they should be extended or reduced within the limits which had been laid down in the Act of Parliament. He would propose also that the hours of opening and closing on Sundays should, within certain limits, also be decided by the local authorities. He would take that opportunity of correcting a misapprehension which appeared to prevail as to Sunday drinking. His hon. and gallant Friend opposite (Colonel Ruggles-Brise) had said the gravest question in the Bill was that of keeping public-houses open on Sunday, and that the opening of public-houses on that day gave rise to excessive drinking. He could only say that all the evidence before him led to a very different conclusion. There was, in fact, far less drunkenness on Sunday than on any other day of the week, not only because a very large proportion of the people regarded Sunday with reverence, but also because public-houses were open for fewer hours, and were all closed earlier than on week days. The following were the statistics of drunkenness in Liverpool, which, with slight variations, might be taken as applicable to other large towns. The average arrests for drunkenness on Monday was 96; on Tuesday, 58; on Wednesday, 52; on Thursday, 36; on Friday, 43; on Saturday, 155; and on Sunday, 26. These Returns were sufficient to justify his proposal that the hours should stand as they were in the Bill, subject to the power of varying them according to the wants of each town or district, which he proposed to vest in the local authorities. If the Committee assented to the proposals he had now made, he should be prepared before the Report to lay upon the Table the clauses which the Government would propose to carry the scheme into effect. The principle which he had suggested, guarded as it was intended to be by the provision that whatever arrangement was adopted should endure for a certain number of years, was one which he thought the House would do well to adopt, and he believed that it would do so.

Mr. STRAIGHT said, that so far as he was concerned he considered the proposition which had just been made by the right hon. Gentleman very fair and reasonable, and perhaps the best way of getting rid of a difficult question. [Mr. J. Lowther: No, no!] The hon. and learned Member for York said "No," but he (Mr. Straight) believed it would be next to impossible to discover any subject on which the hon. and learned Gentleman agreed with anybody. With respect to the district of Shrewsbury, the observations of the right hon. Gentleman applied with especial force, for there some of the markets held at certain periods commenced at 4 o'clock in the morning, and as regarded the hours for closing, it was the local centre of an extensive railway system that brought passengers into the town till midnight. He had been anxious to discover, if possible, some uniform system of legislation for various places, but so far as he could come to a conclusion he regarded uniformity of closing or opening hours to be impracticable, and even impossible; and he believed it was in that view, and with that conviction, the Home Secretary had made his present proposal. He only hoped that the local authority would not shirk the discretion it was proposed to vest in them. For his own part, he would have preferred to see the power placed with the licensing justices, who would be best qualified to exercise it. Some might think that they were drifting towards the principle contended for by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who unquestionably was an earnest and plucky supporter of the views which he advocated. Now, he altogether differed from the hon. Baronet so far as the principle of his Bill was concerned, and had no desire whatever to drift in that direction, and should not like to take one step that could be considered anything like an adoption of the permissive scheme; but after all, if they acceded to the proposal of the right hon. Gentleman, they would only be acting on the principle adopted by the House in 1864, and which he believed had been found to work satisfactorily.

MR. VERNON HARCOURT said, he should like to know what course the Government were going to take with regard to those clauses of the Bill which affected the closing and opening of public-houses? He understood the right hon. Gentleman to indicate his desire that for the present they should be postponed, and that he would bring up other clauses embodying the suggestions with which he had just favoured the Committee. [MR. BRUCE: That is so.] Well, it was manifest that if they cast the responsibility on other people of settling the question, they got rid of much trouble themselves—but the matter presented itself to him in another point of view. If they could not settle the question themselves, why not leave it alone? It was perfectly plain—it could neither be concealed nor denied—that the proposal of the Government was made because the right hon. Gentleman the Home Secretary felt that the House of Commons could not settle it. They knew they could not settle it, and they were now going to hand over for settlement by other people that which they could not do themselves. In his own profession it not unfrequently happened that when questions arose which the Judges could not comprehend, they left the jury to decide them as might be. But he candidly confessed that he experienced some difficulty in remitting this question to the decision of local authorities, and he was afraid that although whatever arrangement they came to was only to endure for a limited number of years, the difficulty would not thereby be either diminished or got rid of. Each year he believed a certain number of town councillors went out of office, and as sure as the elections came round, the question of beer would be raised, and the licensed victuallers' interest mixed up in the affair. The real question was, had they not better leave this matter alone? The difficulties of the subject must have struck everyone. What good could be accomplished by any alteration of the hours. Supposing they succeeded in cutting off at either end one hour of opening or closing, and thereby achieved one of the objects which some people had in view, would the good thus presumed to be secured be in any degree commensurate with the amount of feeling and discontent created? The hon. and learned Member opposite (Mr. Straight) said that in this proposal by the Government they were approaching the principle of the Permissive Bill. They were going far beyond it. In the hon. Baronet's (Sir Wilfrid Lawson's) Bill not less than two-thirds of the ratepayers of any district were to determine the question of licensing; but here the decision as regarded hours was to be left to the bare majority of the local body. Why introduce the principle of the curfew bell at all? Why not allow people to act according to the dictates of common sense and their own interest? He repeated that, as the House of Commons was not prepared, and did not feel competent to grapple with the question, or even to pronounce an opinion upon it, the wisest course was not to interfere at all with the present law regulating the hours of opening and closing public-houses.

VISCOUNT SANDON said, the new proposal of the Government was of such a serious character, that he was not prepared to give any decided opinion offhand on its prudence or expediency. They should very carefully consider whether it would be wise to introduce a new element of discussion into the municipal arrangement of large towns, for in his opinion it would be anything but desirable to have a triennial or quinquennial discussion in every large town as to what the hours of closing public-houses should be fixed. There could be no doubt that drinking at late hours was the cause of great demoralization. The evil connected with the present hours of opening and closing was one that loudly demanded remedy, and he hoped the Home Secretary would find some way of solving the difficulty, so that this great question might be settled after the discussions of this Session. He could not allow to pass unnoticed the statement of the hon. and learned Member opposite (Mr. Harcourt) that they required no curfew bell. What was the meaning of a curfew bell? Surely, with the large amount of appalling evidence before them, they must come to the conclusion that there ought to be some further restriction placed on the hours of closing, if they wished to abate the evils of intemperance, and check the fatal evils of drinking. He appealed to the state of his own town for confirmation of this view. The justices, stipendiary magistrates, merchants, ministers of religion, all concurred in saying that these evils were to be traced to drinking after 11 o'clock at night. Why did they require a curfew bell? It was not for the benefit of themselves or their families, but of the unhappy ratepayers, who were already crushed down by the weight of heavy taxation.

Lord HENLEY said, he had heard with much interest the proposal of the Home Secretary, and he believed he clearly understood all that Government contemplated the local authorities should have power to do as regarded the hours of opening and closing on week days, but the right hon. Gentleman had not stated his views with reference to the time at which public-houses were to be opened on Sunday mornings after church. He understood that his constituents desired there should be some relaxation of the present rule, and he took the opportunity of suggesting that instead of 1 o'clock, public-houses on Sunday might be opened at half-past 12.

Colonel WILSON-PATTEN said, he could not agree with the hon. and learned Gentleman the Member for the City of Oxford (Mr. Harcourt), that this question should be left as it was. It was absolutely necessary that some legislation should take place on the subject, and he presumed that the right hon Gentleman the Home Secretary had only submitted his proposal as a suggested compromise for the consideration of hon. Members. He wished that it had been submitted earlier, when the House would have had a better opportunity for discussing it than at the end of July. He would give the proposal his best consideration, with the view of coming to a compromise between the advocates of separate theories, for to a compromise they must come in legislating on this subject. They should not solely consider their own views with respect to the hours of closing, but should also take into consideration what system would, on the whole, command general concurrence on the part of the entire public. No one had a better right than himself to speak on this point, for some years ago he had the honour of carrying a Bill for regulating the hours of opening on Sunday, and he believed that that Act produced the greatest possible good throughout the country; and, indeed, the police returns showed that to be the case. But in the course of one year that Act was repealed by acclamation; and why? Because it happened that in proposing it he had gone somewhat beyond the spirit of the times. He was satisfied that he had made a mistake. He therefore warned his right hon. Friend that if he made a step forward, he should do so in the most cautious and tentative manner; for if he did not do so in the present case, and went beyond what public opinion would sanction, they might depend upon it they would set the country against them.

Mr. MUNDELLA said, that his constituents were peculiarly situated in respect to that question. In most of the large steel factories in Sheffield the men employed in them worked at what were called "night shifts"—that was, one-half of the men worked in the day, and the other half at night. Let him mention the case of one of the factories in question, where 6,000 men were employed; of this number 3,000 worked in the day, and the other 3,000 worked at night. These latter men took their dinner, as they called it, at midnight. He mentioned this fact to show the difficulty of legislating upon any fixed principle of hours in respect to public-houses being open or shut in Sheffield, and of the necessity of giving to the local authorities power to decide upon the hours of opening and closing those houses. [MR. BRUCE: This case is provided for in the 26th clause.] He was glad to hear that, for he was satisfied that it was most desirable to settle the question, notwithstanding the observations of his hon. and learned Friend the Member for Oxford (Mr. Harcourt), and the sooner it was done the better. It was entirely a question of expediency, and should be decided according to the circumstances in which the people in certain localities were placed. Take the case of Nottingham. In that town, within the municipal boundary, there was a population of 90,000 persons; but there was residing in the villages abutting upon the town a population of some 50,000 persons. All these persons worked in Nottingham, where public-houses would be allowed to be open until 10 o'clock, but in the villages in question the closing hour would be 9 o'clock. Now here was a practical inconvenience, which must also be dealt with by the local authorities.

SIR HENRY SELWIN-IBBETSON said, that the cases referred to by the hon. Gentleman were provided for, as had already been stated, by another provision of the Bill. He was opposed to a hard-and-fast line, and supported the elasticity proposed from regard to the peculiarities of other towns.

MR. HOLT said, that the suggestion of the right hon. Gentleman the Secretary of State for the Home Department did not agree with the proposal which he (Mr. Holt) had placed upon the Notice Paper—namely, that the fixing of the hours of closing public-houses should be in the hands of the licensing committee. There was a strong reason against the proposition of the Government, because it would add to the turmoil and agitation of local elections, and might lead to frequent changes of the hours of closing. He therefore thought a non-elected body a better authority than an elected body to determine the hours of closing. In some parts of the country they would find licensing justices in favour of total abstinence from the consumption of all liquors, and in others advocates of free trade in that respect; but no objection could be made to the proposition he had placed on the Paper—that a committee of magistrates be appointed at each Quarter Sessions, to decide on all these questions.

MR. BRUCE said, that with respect to the hours he was satisfied it would be very much for the public convenience if houses were allowed to open on Sundays at half-past 12 instead of 1, and to close again at half-past 2. With respect to the proposition of the hon. Gentleman who had last spoken, he (Mr. Bruce) had thought a great deal about it, and had come to the conclusion that it was not for a number of county magistrates to decide in the cases of boroughs and large towns the hours at which public-houses in them should be open or closed. The system he (Mr. Bruce) was about to propose had existed in Scotland for a very long time, and had given great satisfaction. In his opinion, to leave the local authorities of each district to fix the hours would reconcile all parties, and it had had so good an effect in Scotland that no complaint of any kind whatever was made.

COLONEL AKROYD said, the conduct and proceedings of Members of that House in their legislative capacity were governed by public opinion. He himself had the honour of presenting a Petition from Halifax signed by 20,000 persons, praying that as regards the hours the law should be general and uniform, and that those fixed for the metropolis should be extended to the provinces. He agreed, however, with the right hon. Gentleman the Secretary of State for the Home Department, that some exceptions should be made in favour of London, but that the law should be uniform in the provinces. Now, would the Committee allow him to say one word respecting the discretionary power left to the licensed victuallers themselves. It was quite a mistake to suppose that houses were kept open during the hours permitted by law, because a very respectable man in the trade told him that when he had no customers he shut up his house in order to avoid the expense of burning gas. It must be remembered that the owners and occupiers of these houses were, generally speaking, men of considerable influence, and therefore worthy of every consideration, and their opinion was that a uniformity in the hours of closing, at least as regarded the provinces, would give every satisfaction.

Colonel BARTTELOT said, the Committee should see the position in which they were placed, and carefully consider it. Here they had a Saturday set aside to consider the most important clause in the Bill, and in his opinion nine out of ten hon. Members came down to the House more or less to discuss the principle it contained. That principle had, he believed, been fully discussed throughout the length and breadth of the land, and, with few exceptions, 11 o'clock was considered to be a fair and reasonable hour. But how stood the case then? Why, the right hon. Gentleman the Secretary of State for the Home Department had withdrawn the clause altogether, and submitted a counter-scheme for the consideration of the Committee. Well, the right hon. Gentleman might be firm enough in writing letters at home, or in his office, but here he was as weak and squeezable as any Minister he (Colonel Barttelot) had ever seen take his seat on the Treasury bench. [“Oh, oh!”] He had no wish whatever to say anything that was in the least offensive to the right hon. Gentleman; but then they were discussing a proposition entirely different from that contained in the Bill. He contended that the hon. and learned Gentleman the Member for Oxford (Mr. Harcourt) did not find fault with the clause, but with the proposal now submitted to the Committee by the right hon. Gentleman which, he said truly, was worse than the Permissive Bill of the hon. Baronet the Member for Carlisle, in that it would bring discredit and discontent into every borough in the kingdom. He (Colonel Barttelot) did not know whether the right hon. Gentlemam was anxious to pass the Bill, and was afraid to do so; but he would warn him against the course he was now pursuing. Let him take courage and be firm—as they all knew he could be when away from the House—and allow the Committee to discuss the clause fairly and honestly. If the right hon. Gentleman was determined on the scheme he had just announced, let him make the proposal at once, so that the decision of the Committee might be taken upon it.

Mr. BRUCE: After the personal attack thus made on me, I trust the Committee will allow me to say a few words in explanation. The hon. and gallant Gentleman opposite the Member for West Sussex has brought a charge against me of being “weak and squeezable,” but I appeal to every hon. Gentleman present whether in my conduct of business in this House I have shown myself at any time to be weak and vacillating. What measure have I introduced in which I displayed weakness or vacillation? Is it in either of the Mines Bill which have just left the House? In this Bill, as in those Bills, I have endeavoured, in the discharge of my public duty, to be as conciliatory and as mindful of great personal interests as it was possible, and on the present occasion it was my duty to ascertain how this Bill would satisfy the people of this country, and to carry it through this House as speedily as possible. The Committee must remember that on this subject alone there are 40 or 50 Amendments on the Paper, and when the hon. and gallant Member proposes to meet at once my alternative proposition, he must surely be aware that it would lead to a discussion of very considerable duration. What I propose to do is to put my Amendment on the Paper for consideration, and have it inserted on the bringing up of the Report, by which means I hope to save half the time that must inevitably be consumed in the discussion of the Amendments which are now on the Paper with reference to this single clause.

Mr. LOCKE: May I ask the right hon. Gentleman what in the meantime he intends to do with the clause in the Bill?

Mr. HARVEY LEWIS said, he thought great credit was due to the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther) for the very great moderation he had exhibited in dealing with the metropolis as regarded the hours for closing. He must say the hon. Baronet had given them a specimen of moderation and of statesmanlike judgment which he hoped he should see imitated on the Treasury bench. The right hon. Gentleman the Home Secretary, following up the remarks of the hon. Baronet the Member for Fifeshire, said the House must take into its consideration the habits and the customs of the people with whom they had to deal; and the right hon. and gallant Gentleman the Member for North Lancashire (Colonel Wilson-Patten) freely admitted that his own Bill had been a mistake, and that however beneficial he had thought it likely to prove, it was repealed within a year, from having been in advance of the time. Now, if they took into consideration the habits of the people of London, they could not but be aware that their habits were late, all entertainments and dinners were late, and the consequence was that all public amusements were late. The theatres, for example, were not closed until after 12. How, then, could the House wish an unfortunate person who had come all the way from the East-end of London to enjoy an evening at a theatre in the Strand to be deprived of all means of refreshment after 12 o'clock? Or did they want residents at the West-end, returning from the theatres under the same hard circumstances, to pass under the windows of the club-houses, and there see gentlemen indulging in the coolest drinks that could be supplied to them in this sultry weather? But it was to no purpose discussing the subject. This was legislation of the worst kind. He was anxious that the Bill should pass, and all he would endeavour to do was to ensure that those who wanted reasonable refreshment should have it. He hoped the House would take into consideration the wants of the people of London, who in number constituted one-sixth of the people of England. He said to them—"Leave London as it is; we don't want to be interfered with in the matter of hours." All the Home Secretary said was, that he did not wish to put London under that new scheme. He did not say what he did wish to do with it. If he would state to the House that he did not wish to interfere with the hours at present ruling in London, he (Mr. Harvey Lewis) had no more to say, and should sit down. If he did act upon his own principle of taking into consideration the habits of London, he would find it impossible to close the houses any earlier than they were closed at present. His (Mr. Harvey Lewis's) object was the convenience of the public, and he wanted to know how the public were to be treated. The speech of the hon. Baronet the Member for Fifeshire evinced much statesmanlike consideration, for the hon. Baronet said they ought to leave London alone, and in that view he (Mr. Harvey Lewis) entirely concurred. Under these circumstances, he appealed to the Home Secretary to get up and tell them that he would leave London alone.

MR. CARDWELL ventured to submit to the Committee that they should discuss one thing at a time. He understood that the question under consideration was a proposal of his right hon. Friend the Secretary of State for the Home Department, that the question of hours be postponed, and his argument was this—that, it being found impossible to fix throughout the country a uniform hour of closing, he proposed to lay on the Table a clause that would suggest a mode by which the varying wants of the various portions of the community might be met. Now, was it not more rational that they should let his right hon. Friend know whether the feeling of the Committee was in favour of waiting for that proposal, and in order to do that to agree to the postponement of the clause as to hours, and so enable progress to be made upon other parts of the Bill. It was evident they should make no progress at all, if they resolved to go fully into the question of hours now. His object was to entreat the Committee to dispose first of the proposal of his right hon. Friend for postponing the clause.

LORD JOHN MANNERS reminded the Committee that they had already reached the 27th of July. They did not know when the new clause would be submitted which was to give a discretionary power to the local authorities, and it might be that no opportunity would be given to any hon. Member, who having already placed Notices of Amendments upon the Paper with regard to the existing clause, might wish to propose analogous Amendments upon the new clause of the Government. He thought, therefore, that those who had Amendments on this subject, or who might wish to move any, should have an opportunity of directing the attention of the right hon. Gentleman to them. And now, as regarded the question of Sunday closing, the clause did not give any discretion to the local authorities to substitute any hours for closing on Sundays in lieu of those named in the clause. He thought that was wrong, for in certain parts of the country there was no afternoon service, but an evening service, and it was a great annoyance that the public-houses should be open at the time when people were going to or coming from the places of worship in the evening. The local authorities should, therefore, have the power to direct in such cases the public-houses to be closed in the evening, though they might be open in the afternoon. He wished the right hon. Gentleman to give his attention to the wishes that had been expressed on the subject in country districts; because he felt that when the clause came up for consideration it would be impossible to have the subject properly discussed. He would now observe that he thought it most unfortunate, if it was the intention of the right hon. Gentleman to submit new proposals to the House, that he should not indicate their general purpose until the last moment.

Mr. BRUCE said, it was proposed that the clause should be postponed, and it would remain to be discussed at the end of the Bill, if the new propositions to be submitted on the part of the Government should not be considered satisfactory. The Committee would not be deprived, therefore, of an opportunity of discussing any desired modification of the clause.

Sir JOHN PAKINGTON asked when the new clause would be brought up?

Mr. BRUCE replied that it would be impossible to place it upon the Notice Paper before Monday evening or Tuesday morning, and that would be long before they could arrive at the discussion of the postponed clause.

Sir HENRY HOARE said, that the right hon. Gentleman the Home Secretary had made a distinct proposal to the Committee, excluding London from the general regulations as to the time of closing. That being so, he wanted to know whether the right hon. Gentleman would favour the metropolitan Members by stating what hours he proposed should rule in London. He hoped they would let them know that; for this was not a licensed victuallers' question, but one which affected the accommodation and the wants of the public. The question had been argued very clearly and at great length by the hon. Members for Southwark and Marylebone, and he did not intend to go into it afresh. He hoped, however, that if they were to be affected by the proposed arrangements they might at once be put out of their pain, and told their position. There was no occasion for their waiting for the information until Tuesday—they might be told now. He quite approved of what fell from the hon. Member for North-east Lancashire (Mr. Holt) that the local body should be the licensing body; and he would say this from his own experience and observation in rural districts—that he thought public-houses in the country might be shut up at an early hour; but he would not have any great severity proposed with reference to the hours of opening. There were many agricultural labourers who were obliged to be at their work as early as 4 o'clock in the morning, and they should be enabled to get their beer before that time. It had been said that they might get their beer overnight. Of course they might, but then the probability was that they would drink it overnight, or that the beer would be flat and undrinkable. He again appealed to the right hon. Gentleman, therefore, to announce his intentions on this part of the subject; but he would add that it was the opinion of hon. Members around him that it would be better to negative the clause at once.

Mr. NEWDEGATE said, he believed that the Midland district agreed that 11 o'clock should be the hour for closing. The right hon. Gentleman seemed to think that there was a great difference of opinion on this point. At any rate, by the course he was pursuing, he would defeat the agreement which had been arrived at after great labour in the Midland district.

Mr. BRUCE remarked that so far as that district was concerned, the Bill would fix 11 o'clock as the hour of closing.

Mr. NEWDEGATE: Then the wish of that district would be so far acceded to, and he thanked the right hon. Gentleman for meeting the wishes of his (Mr. Newdegate's) constituents. The people there distinctly objected to any variation between the hours of closing in the great towns and those of the suburbs. They wanted a uniform hour. He thought the course taken by the Government in calling the House together without Notice for a particular purpose, and then withdrawing the clause they were assembled to consider, perfectly indefensible, and he hoped the Committee would refuse to allow the clause to be withdrawn, because it embodied an agreement arrived at after a great deal of trouble. He entertained the same view as that taken by the hon. Member for North-east Lancashire (Mr. Holt), believing that the power of relaxation given by the Bill should be administered by a non-elected body. He hoped that if the right hon. gentleman set up an authority within the boroughs for deciding the hour of closing, it would be an authority containing a magisterial element, and only that element; for the magistrates were responsible for the maintenance of order, and the other inhabitants were not.

MR. LEEMAN said, he would be sorry if the Committee should part that day without coming to some decision on the all-important question which had been raised before it that morning—namely, whether they should draw a hard-and-fast line, or adopt the principle which was contained in the proposition made by the hon. Member for North-east Lancashire (Mr. Holt). The appalling list of Amendments on the Notice Paper of that day exhibited the utter contrariety of opinion which existed in the House on the subject. The hon. Baronets who sat on each side of the House (Sir Henry Selwin-Ibbetson and Sir Wilfrid Lawson) had admitted that even since they put their Amendments on the Paper their views had undergone considerable change; and the same admission had been made by other hon. Members, including the right hon. Gentleman himself. The Bill as it originally stood contained the words "10,000 inhabitants," and now it was proposed to reduce the figures to 2,500. He hoped the Committee would not consent to the proposition to postpone the clause; but, on the contrary, that it would determine at least whether there should be a hard-and-fast line, or whether there should be placed in the Bill that elasticity, the importance of which the right hon. Gentleman now admitted. The hon. Gentleman who had just addressed the Committee (Mr. Newdegate) had said that he trusted they would not part with the present clause. He (Mr. Leeman) trusted they would not part with it; but surely before they separated that afternoon they could determine principles. In order to effect that object, he would ask the Committee to allow the Amendment of the hon. Member for North-east Lancashire to become a substantive Motion, when it would be competent to the Secretary of State to bring forward his own proposition for consideration. He thought, however, that the Committee would come to the conclusion that the proposition of the hon. Member for North-east Lancashire was far preferable to that of the Government. He (Mr. Leeman) was a member of a municipal body, and had had some experience of the action of such bodies. He was quite sure that if the proposition of the right hon. Gentleman was adopted, at every municipal election the publicans would be ranged on one side and the Permissive Bill men on the other upon the question of the hour at which public-houses should be closed, and he thought that was not desirable. The licensing power was at the present time vested in the hands of the magistracy of the borough; and he asked why it should be taken out of them. A similar objection applied to the local boards of smaller places. He saw no reason for depriving those bodies of that authority, and he would advise the hon. and learned Member for Boston (Mr. Collins) to withdraw his Motion for postponing the clause.

MR. COLLINS thought there was a certain amount of inconvenience in discussing at that time whether the question of the hours of closing should be left to the licensing magistrates or put into the hands of municipal bodies. He rose to suggest something that might mitigate the evil which would result from vesting the power in elective bodies—namely, that to avoid having a triennial election on this point, the hours named in the Bill should be the hours of closing, unless a majority of two-thirds of the Town Council should decide otherwise. He had no objection to withdraw his Motion to postpone the clause, for the purpose of considering the proposition of the hon. Gentleman behind him (Mr. Holt). The first question raised on the clause would be quite sufficient to occupy the remainder of the Sitting.

SIR HENRY SELWIN-IBBETSON suggested that the right hon. Gentleman the Home Secretary should now draw up a provision of the nature which had been suggested. The proviso might read as follows:—

"Provided always that in all places where the population is over 2,500 the local authority of any licensing district, as defined in the 26th clause, shall have power to vary the hours of closing and opening as fixed by the Bill between the hours of ten and twelve at night, and five and seven in the morning."

That would practically carry out the discretionary power, and it would vest in the same authority to which the right hon. Gentleman proposed to give the power of increasing the hours on special occasions, such as markets.

Mr. J. LOWTHER trusted that before the Motion for the postponement of the clause was withdrawn, the Government would state their intention with regard to the further progress of the Bill. They lived in a period of surprises, and perhaps he would not be justified in entering any protest or complaint against the conduct of the Government, in suddenly throwing out without the slightest preliminary notice a proposition of such gravity. He sympathized with the Government in their desire to relieve the House of Commons of the responsibility of fixing hours of closing public-houses when that House had shown its great preference for the utmost elasticity with regard to its own hours and even days of meeting. He should like to point out that if the hon. Member for North-east Lancashire (Mr. Holt) brought forward his Motion and the Committee should be asked to commence the discussion of it, they would be obliged to discontinue it in a broken condition. ["No, no!"] It was an easy task to disagree with everybody, but the Government would find that it was a difficult and almost impossible task to try and please everybody. He must add his protest against what they were now asked hastily to adopt. The Government invited them to sanction what was the very worst element in, and even an exaggeration of, the Permissive Bill. The proposal was, that they should hand over absolutely to the Town Council or other local authority that most difficult question. He considered that it was the duty of the House of Commons to fix the hours of closing, and not to relegate to the local authority that most difficult and perplexing question. He entertained great objection to going into the proposal of the hon. Member for North-east Lancashire. It was evident that the Government had not made up their minds on the question; and the proposition of the Home Secretary bore traces of its own want of preparation, when it was not applied to the metropolis.

Mr. BRUCE said, it was not from want of consideration that the proposition of the Government was not applied to the metropolis, but from this circumstance—that there was no local authority that, consistently with the principle of the clause, could be adapted as the instrument for applying it to London. He hoped the Committee would proceed at once to a division on the proposal of his hon. and learned Friend the Member for Boston (Mr. Collins) to postpone the clause, and the division might be taken as the decision of the House on the question whether they should adopt fixed hours of closing, or whether they should adopt the more elastic principle proposed. It would bind no hon. Gentleman as to the exact terms of the proposition of the Government; and the question whether the local authority should be the Town Council or the licensing authority would be open for future consideration.

The CHAIRMAN asked the hon. and learned Member for Boston whether he asked leave to withdraw his Amendment?

Mr. COLLINS said, that he wished to withdraw his Amendment, because he thought it was desirable that the clause should come on at their next Sitting, and not be postponed to the close of the Bill.

The CHAIRMAN said, that the question before the Committee was, whether the Amendment should be by leave withdrawn? ["No, no!"]

Mr. COLLINS said, in that case, in the event of a division, he should vote against his own Motion.

Colonel BARTTELOT said, that he was sorry if he had spoken too severely about the right hon. Gentleman the Home Secretary. It was not his intention to say anything offensive to him or to the Government.

Mr. CAWLEY declined altogether to accept the suggestion of the Government that a division on the postponement of the clause was to be taken as an expression of opinion as to whether they were to adopt the principle of elasticity or not. He was prepared to support the proposal of his hon. Friend the Member for North-east Lancashire (Mr. Holt).

Mr. GOLDNEY said, there was a general feeling that there should be some elasticity with regard to the hours of closing; and if the Amendment were withdrawn, the Government would accept that general expression of opinion. They were not, however, bound as to the particular mode in which that elasticity should be given, and they could consider whether it should be the licensing authority or the Town Council. If they divided on the Motion for postponement, they would divide on a false issue, and instead of promoting the progress of the Bill, would delay it.

MR. HENLEY said, that on Monday morning they would all be wondering what on earth had induced the Government to bring them there that day at great inconvenience. It was something amounting to sharp practice to ask them to meet that day. The Amendments on this clause—and he did not pretend to say that there were not plenty of them—were on the Paper before; and therefore the right hon. Gentleman must have seen all these difficulties before he adopted the sharp practice which brought them there that day. [Mr. BRUCE dissented.] The right hon. Gentleman shook his head. He (Mr. Henley) knew that it was quite regular, but sometimes things that were most regular were most unjust. *Summum jus summa injuria.* He could not understand why the right hon. Gentleman should not have announced yesterday his intention of postponing this clause. They had a discussion of about an hour and a-half just to warm people up a little; but no opinion was elicited, and no division taken on any one point. In fact, they were now in the same position as they were at the beginning, and had wasted nearly the whole day. The Government brought in a Bill to bring about public-house reform, and so important did they consider it, that they had brought them all down that hot day to consider it; meeting, however, with plenty of pressure from without, they suddenly chopped and changed about, and here was a precious example of it. When hon. Members were looking forward to a few hours' repose, they were brought down and thrown together for no earthly use whatever. As to postponing the clause, they might postpone it for seven years so far as he cared.

MR. BRUCE said, he trusted the subject would be discussed calmly, and in a friendly spirit, for everyone would admit that this was a most important and difficult question, which could not be settled without full discussion. Before he got up to state what the Government would accede to, several hon. Members had risen suggesting proposals somewhat similar to that proposed by the hon. Member for North-east Lancashire (Mr. Holt). In fact, no one objected to the principle of elasticity; and the only point on which there did seem to be a difference of opinion was with respect to the body in whom the power of fixing the hours was to be lodged. Government had then, as it was their duty to do, ascertained the wishes of the House on the main point. [Mr. LOWTHER dissented.] The hon. and learned Gentleman the Member for York shook his solitary head; but he thought the great majority of the House was in favour of elasticity; at all events, that question might be decided if they went to a division on the Motion for postponing the clause. He was prepared to postpone it, or withdraw it altogether, in order to bring it up remodelled on the Report, when the question who was to have the power of fixing the hours, could be raised. The hon. Member for North-east Lancashire (Mr. Holt) could then bring forward his plan, and the two could be discussed together.

MR. COLLINS declined to have the question of elasticity or no elasticity decided on the Motion for the postponement of the clause, which he was willing to withdraw, that the clause itself might be considered now.

COLONEL BERESFORD wished to add his opinion in favour of the principle of elasticity; and as to who should have the dispensing power, he was decidedly in favour of voting it on the magistrates, as they had more knowledge of the requirements of the people than any elected body could have.

MR. W. H. SMITH thought the discussion had very clearly shown what were the feelings of the Committee with respect to a dispensing power, and the only question was, who was to exercise it. It would smooth away all difficulty if the right hon. Gentleman would accept the magistrates as the dispensing body.

MR. BRUCE thought if the Motion were withdrawn they might at once take into consideration the first paragraph of the clause, which applied to the metropolis, and he would, before they sat next, place on the Paper what he proposed to do with respect to the closing hours in the country.

Sir HENRY SELWIN-IBBETSON concurred in the advisability of that course.

The Marquess of HARTINGTON said, that he would ask the attention of the Committee to the course he proposed to take with regard to the hours of closing in Ireland, and to direct attention to the Amendments he had placed on the Notice Paper affecting Ireland. At first, he did not propose to make any alteration in the hours of closing in Ireland; but it appeared that there was a very general concurrence of opinion in favour of restriction. At present, on Sunday and week-day, the hour of closing was 11; he proposed that on Sunday the closing hour should be, in towns 9 o'clock, and in the country 7 o'clock; on week-days he proposed to leave the closing hours as at present, 11 o'clock in towns and in the country districts 10 o'clock. If, however, the Committee should adopt the elastic principle, he should be prepared, if it were the wish of Irish Members, to adapt it to Ireland.

Motion, by leave, *withdrawn.*

Mr. HOLT, in moving as an Amendment, in page 9, line 26, to leave out "subject as hereinafter mentioned;" and in line 28, after "closed," to insert—

"During such hours as the county or borough licensing committee within whose jurisdiction such premises are situated shall direct; Provided always, That such licensing committee shall not authorise any such premises to be opened—

"1. On Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, before half-past twelve of the clock in the afternoon, nor between the hours of three and six of the clock in the afternoon, nor after eleven of the clock at night;

"2. On other days, before six of the clock in the morning nor after twelve of the clock at night,"

said, that he would not now detain the Committee with many observations, because there seemed to be an agreement with respect to some exercise of power by the local authorities, and the only question was as to who those authorities should be. His opinion was still in favour of the Quarter Sessions. With reference to London, however, it was possible that some alteration would be required in the terms of his Amendment, and he should be willing to give authority to the Metropolitan Board of Works, or some such body, to fix the hours of closing in London.

Mr. BRUCE said, with regard to the Amendment just proposed, the question of Sunday being settled, Christmas Day, Good Friday, and Easter Sunday would be similarly observed.

Mr. RODEN said, he was a member of two boards, the Town Council and the local magistracy of his borough, and he should be very sorry if the right hon. Gentleman were to leave the power of deciding on the hour of closing in the hands of the licensing magistrates. He hoped the right hon. Gentleman would fix the hour of closing on ordinary days, instead of leaving it in the hands of the licensing magistrates; and with regard to the carrying out of the other provisions of the Bill, the right hon. Gentleman had already admitted that the matter had better be left in the hands of the local authorities.

Mr. F. S. POWELL said, there were two questions to be considered; the first of which had reference to the powers proposed to be vested in the local authorities, and the second what they had to do.

Mr. LEEMAN hoped the Committee would take a division on the words of the clause under consideration before proceeding further. ["Withdraw, withdraw!"]

Mr. HOLT said, he had pledged himself to hon. Members to adhere to his Amendment, and he could not in honour withdraw it.

Mr. GREGORY understood the issue to be, whether there was to be a dispensing power on the part of the magistrates. ["No, no!"] Well, then, let them settle that point before they proceeded further. There was nothing definite on the point in the Amendment of the hon. Gentleman (Mr. Holt).

Sir HENRY HOARE said, that whatever might be the subject before the Committee—and no one seemed to know—he hoped the Committee would divide at once, and settle the matter in some way. They had been pulled out of their beds and deprived of their holiday, and therefore he hoped they would do something, and not carry out their bats with a round O.

Mr. CHILDERS said, the Government had put into the Bill clauses which dealt with the metropolis first, and afterwards with the country. In the Amendment they were asked to deal first with the country, and afterwards with the metropolis. No doubt the hon. Member had a technical right to frame his

Amendment in that way; but he (Mr. Childers) thought it would be wrong to ask the Committee to adopt that course. In consequence of this transposition the Amendment was also ungrammatical. It ended with the words "twelve o'clock at night, as follows." What he asked the Committee to do was to proceed in the usual course—to deal with the metropolis first and afterwards with the part of the Bill applicable to the country. The Amendment of the hon. Member opposite would then be in its proper place.

MR. HOLT regretted that by an accidental omission he had not placed on the Paper a Motion to omit the words down to line 16, which would have met the grammatical objection of the right hon. Gentleman the Member for Pontefract; but if he could now move the omission of those words he would do so.

MR. CHILDERS said, that this showed how inconvenient it was to alter the order in which the discussion was proposed to be taken. He hoped the Amendment would be withdrawn, and that they would be allowed to go on with that part of the clause relating to the metropolis.

MR. HOLT said, in deference to the feeling of some hon. Members, he would for the present withdraw his Amendment on the understanding that he should move it again when they came to subsection 2.

Amendment, by leave, *withdrawn.*

MR. HENLEY said, they must deal with this question in some way or other. The right hon. Gentleman (Mr. Bruce) had told them that he would bring in a clause, but that was not before them. He did not know that there was any distinct question before them, and as he thought it was desirable they should know where they were going, and what they were doing, he should move that the Chairman report Progress.

MR. BRUCE said, the right hon. Gentleman had entirely misapprehended what he said. They were taking the Bill as it stood, and the question before the Committee was that of the metropolis, as dealt with by the first part of the clause. When they came to that part dealing with the country, he should propose the Amendment which he had outlined to the Committee.

SIR HENRY SELWIN-IBBETSON hoped, as the hon. Member (Mr. Holt) had withdrawn his Amendment, the right hon. Gentleman (Mr. Henley) would consent to withdraw his Motion, and allow the Committee to proceed with and decide the question relative to the metropolis.

MR. LOCKE rose to move an Amendment which he had placed on the Paper, but was met by loud cries of "Order!"

Question put, "That the Chairman report Progress, and ask leave to sit again."

MR. LOCKE again rose to move his Amendment, but was interrupted by

MR. DENISON, who rose to Order. The question before the Committee was the Motion of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) for reporting Progress, and until that was disposed of the hon. and learned Member for Southwark (Mr. Locke) was out of Order.

MR. RUSSELL GURNEY urged Mr. Henley to withdraw his Motion.

MR. HENLEY said, he had no desire to prevent Progress, but he did not see his way to Progress, under the circumstances in which they were placed.

SIR HENRY SELWIN IBBETSON appealed to the right hon. Member for Oxfordshire not to press his Motion for reporting Progress. If he did so, they would now, as the ground was in some degree cleared, be able to proceed.

MR. HENLEY said, it seemed to him that for more than half-an-hour there had been nothing but desultory conversation, and when he saw that it was within a short time of the hour at which they had arranged to adjourn, he considered that it would be as well to have Progress reported, in order that two or three other matters which were on the Paper might be disposed of. However, if it was the wish of the Committee to make some practical progress he would not stand in the way, but withdraw his Amendment.

Motion, by leave, *withdrawn.*

MR. LOCKE said, it would be unnecessary now, in consequence of the alterations in the Bill announced by the Home Secretary, to move his Amendment in the first sub-section of the clause—namely, the omission of the lines—

"If such premises are situated within the City of London, or the liberties thereof, or the Metropolitan Police District."

Twelve o'clock was now to be the hour in London at night when public-houses were to be closed, and they were not to be opened before 5 o'clock in the morning. He, however, preferred that the hours should be the same as they were at present, and his object was to make the law, whatever it was, the same in all places. He hoped sincerely that the hon. Member behind him (Mr. Hardcastle) would not press the alteration which he intimated an intention of moving, as its purport would be productive of the greatest inconvenience. As regarded Sunday evening, he intended, by his second Amendment, moving that public-houses should be opened at 5 o'clock, and not 6 o'clock, as was contemplated by the Government Bill.

Mr. A. JOHNSTON said, if the hon. and learned Member for Southwark withdrew his first Amendment, then the Amendment which he had taken up—namely, the omission of the words "Metropolitan Police District"—would take precedence of the Amendment having reference to the alteration of the afternoon hour from 6 o'clock to 5 o'clock.

Mr. BRUCE said, he was not by any means of opinion that the first part of the clause should be struck out. He was disposed to accede to the proposal that public-houses should be opened on Sundays at half-past 12. He believed that the desire was almost universal on the part of the licensed victuallers themselves that the hour of closing at night on week days should be 12 o'clock. It would be in the power of the Home Secretary to extend, in certain cases, the time for keeping open public-houses till 1, and, as was the case now, between 2 and the usual opening hour in the morning. That was now done in the case of markets and other places, and the privilege might be extended if the necessity for doing so was proved. It was not intended by this Bill to interfere with the requirements of the working classes. The matter was, however, fully dealt with in the 26th clause, under which the authorities mentioned in it had the power to grant the necessary permission to licensed victuallers to enable the working classes to obtain the refreshment they required. He would add that if the provision in the Bill was found to be not sufficiently explicit upon this point, he would make no objection to its being so amended as to carry out the object desired.

Mr. Alderman W. LAWRENCE said, he deprecated any alteration of the hours at which public-houses were opened and closed on the Sunday in the metropolis. The present system worked well, and he saw no reason for any alteration of it. Why, he asked, should public-houses be opened at half-past 12 o'clock, and why should they be closed up to 6 o'clock? It would be a great inconvenience to the public if that was done. Many respectable persons went out for a walk after dinner into the suburbs, and why should they be prevented from taking the necessary refreshment which they required at 5 o'clock, instead of having to wait for another hour before they could do so? The alteration as proposed seemed to him to be wholly unnecessary, more especially when they considered how much later the habits of the people of London were than the country.

Mr. WATNEY said, that while advocating re-opening at 5 o'clock on Sundays, he was in favour of public-houses in the metropolis being closed on week nights at 12 o'clock.

Mr. HARVEY LEWIS said, he could not see any reason for interfering with the present system by which licensed houses in the metropolis were kept open until 1 o'clock in the morning. It had worked well, and to alter it as proposed by the Bill would tend to great inconvenience in the neighbourhood of the Strand and such like localities.

Mr. W. H. SMITH said, that there could be no doubt the great mass of the people of this metropolis wished the hour of closing should be 12 o'clock. Even licensed victuallers themselves looked upon that hour with favour, because they were thus relieved from the very heavy pressure of business entailed upon them, and an end put to a competition which must of necessity entail upon them great labour, anxiety, and trouble. He was very glad to perceive that by a subsequent clause the Commissioners of Police and the Home Secretary were empowered to grant licenses for a later hour in localities where they were required by circumstances; but, generally speaking, he believed that closing at 12 o'clock would give general satisfaction.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. A. Johnston (for Lord George Hamilton) Amendment made in page 9, line 30, by leaving out "Metropolitan Police District," and inserting "parishes mentioned in Schedule A and B of the Metropolis Local Management Act."

Mr. LOCKE then moved that the hour of re-opening on Sunday afternoon should be 5 o'clock instead of 6.

Amendment proposed, in page 9, line 33, to leave out the word "six," and insert the word "five,"—(*Mr. Locke,*)—instead thereof.

Question put, "That the word 'six' stand part of the Clause."

The Committee *divided:*—Ayes 150; Noes 66: Majority 84.

Mr. BRUCE, in moving as an Amendment, that 5, instead of 6, be the hour for opening on week days, in all places where the population exceeds 2,500, said the Amendment was perfectly optional, and that landlords would not be compelled to open if such was not their wish.

Amendment *agreed to.*

Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

House adjourned at a quarter after
Four o'clock till Monday.

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PROTEST

AGAINST THE THIRD READING OF THE

PARLIAMENTARY AND MUNICIPAL ELECTIONS BILL.

HOUSE OF LORDS, JUNE 25, 1872.

"*DISSENTIENT:*

"1. Because contests must be greatly increased in number, as no such preliminary meetings can be held before an election as will be any guides to candidates of their chances of success, from the secrecy which will prevent many from declaring their opinions.

"2. Because the small number of nominators might greatly increase the number of candidates in a constituency of 2,000 voters (where only one candidate can be elected), so that where two candidates might poll 1,000 votes each, out of 20 candidates polling near 100 each 19 might be defeated and the election carried by a candidate polling a little more than a tenth part of the voters.

"3. Because after the balloting the collection of ballot boxes and counting of the papers would make a declaration of the poll a subject of suspense and delay for many days in large constituencies, which would greatly tend to excitement and ill-feeling and defeat one great object of the Reform Bill of 1832, which was to shorten as much as possible the duration of elections, besides being contrary to the declared intention of the Ballot Bill.

"4. Because no provision is made by fine or otherwise for preventing committee rooms being held in public houses, or for closing them during any part of the day of election, both which precautions have been the subjects of many Petitions to both houses of Parliament.

"DENMAN."

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TO

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When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Amendt. on Committee of Supply *July* 19, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that She will be pleased to cause full inquiry by means of a Royal Commission into the working of the Control Department of the Army, and that the said Commission may be required to frame a Report embodying suggestions, if found necessary, for such alterations, both of principle and detail, as may conduce to efficiency and economy in the Civil and Administrative Departments of Her Majesty's Army" (*Major Arbuthnot*) *v.*, 1472; Question proposed, "That the words, &c.;" after debate, Question put, and agreed to

Army—Royal Military Academy, Woolwich

Moved, "That an humble Address be presented to Her Majesty for Copy of Correspondence between Lord Redesdale, as President of Cheltenham College, and the Secretary of State for the War Department in relation to the times appointed for the examinations for admission to the Royal Military Academy, Woolwich" (*Lord Redesdale*) *June* 27, 281; after short debate, Motion agreed to

Copy of Correspondence laid before the House *July* 4

Army—Staff Officers

Amendt. on Committee of Supply *June* 28, To leave out from "That," and add "it is desirable that there should be appointed a permanent Chief of the Staff of the Army, and a Department formed for the special training of Staff Officers, to collect all information necessary for the efficient performance of Staff duties, and for certifying the competence of Officers employed on the Staff" (*Sir Harry Verney*) *v.*, 412; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Army—The Scientific Corps—Promotion in the Artillery and Engineers
Her Majesty's Answer to the Address of the 18th instant, reported *June* 27, 267; Moved, "That the House do now adjourn" (*Earl of Longford*); after short debate, Motion withdrawn

Army—The Scientific Corps—Promotion in the Artillery and Engineers
Amendt. on Committee of Supply *June* 28, To leave out from "That," and add "a Select Committee be appointed to inquire whether the intended promotion to the rank of Regimental Major of First Captains of Artillery and Engineers at an annual cost to this Country of over £20,000, and at a further addition to the Indian Military Expenditure not yet stated to Parliament, is justified by any commensurate advantage to the Public Service" (*Sir Percy Herbert*) *v.*, 405; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Assheton, Mr. R., *Clitheroe*
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1687; *cl.* 14, 1908
Mines (Coal) Regulation, Comm. *cl.* 33, 332, 333; Consid. *cl.* 15, Amendt. 1006, 1007

Attorney General, The (Sir J. D. Coleridge), *Exeter*
Capital Punishment Abolition, 2R. 1736, 1737
Commons Protection, 2R. 599
County Court Circuit—Mid Wales, 637, 957
County Court Judges—Circuit No. 22, 949
Criminal Law—"Tichborne *v.* Lushington"—Prosecution, &c. 1138
Ireland—Galway Election Petition, 634, 1145, 1635; Res. 1809, 1817
Judicial Organization—Report of Committee, Res. 1940
Justices of the Peace—"Dedimus Potestatem," Writ of, 1513
Law Officers (England) Fees, 3R. 1856
Married Women's Property Act, 1124
Mines (Coal) Regulation, Comm. *cl.* 48, 519, 641, 656
Supply—Post Office Packet Service, Report, 191

Australian Colonies—Intercolonial Tariffs
Question, Mr. P. J. Smyth; Answer, Mr. Gladstone *July* 15, 1145

Ayrton, Right Hon. A. S. (Chief Commissioner of Works), *Tower Hamlets*
Admiralty and War Office Rebuilding, 796
Metropolis—Questions, &c.
  Battersea Park, 1519
  Hyde Park—Guards Drill, 636
  New Public Offices, 1753
  Parliament Street, 1414
  Thames Embankment, Buildings on, 1041
New Law Courts—Strand Front, 699
New Post Office Buildings, 872
Palace of Westminster—Decay of Stonework, 871
  Fire in the Clock Tower, 413

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Ayrton, Right Hon. A. S.—*cont.*
Royal Parks and Gardens—Regulations, 1373, 1749
Supply—Houses of Parliament, 439, 446, 447, 448
  National Gallery, 458
  Natural History Museum, 740
  New Offices in Downing Street, 449, 450, 453, 457
  Post Office and Inland Revenue Buildings, 460, 461
  Public Buildings, &c. 435
  Report, 854, 855
  Royal Parks and Gardens, 433, 434, 435
  Science and Art Department, 461
  Survey of the United Kingdom, &c. 465, 467, 468

Backhouse, Mr. E., *Darlington*
Cattle Plague—Foot and Mouth Disease, 1125

Bagwell, Mr. J., *Clonmel*
Juries Act Amendment (Ireland), Comm. Motion for Adjournment, 156
Parliament—Public Business, 1142

Bailey, Sir J. R., *Herefordshire*
Mines (Coal) Regulation, Comm. *cl.* 4, 34; *cl.* 7, 43

Baines, Mr. E., *Leeds*
Elementary Education—Revised New Code (1871), Res. 1470

Bakehouses Bill (*Mr. Locke, Mr. Holms, Mr. William Henry Smith*)
c. 2R.* put off for three months *June* 21 [Bill 54]

Baker, Mr. R. B. Wingfield, *Essex, S.*
Intoxicating Liquor (Licensing), Comm. *cl.* 21, Amendt. 1917, 1918

Ball, Right Hon. J. T., *Dublin University*
Ireland—Galway Election Petition, 1635; Res. 1852
Judicial Organization—Report of Committee, Res. 1944
Real Estates (Titles), 2R. 236

Bandon, Earl of
Landlord and Tenant (Ireland) Act Amendment, 2R. 275

Bangor, Bishop of
Endowed Schools Commissioners — Hughes' Charity, Beaumaris, Motion for an Address, 1857

Bank of England (Election of Directors) Bill [H.L.] (*Lord Redesdale*)
l. Committee*; Report *June* 21 (No. 144)
Read 3ª* *June* 25
c. Read 1°* (*Mr. Crawford*) *June* 25 [Bill 211]
Read 2°* *July* 1
Committee*; Report *July* 4
Read 3°* *July* 5
l. Royal Assent *July* 18 [35 & 36 *Vict.* c. 34]

Bankruptcy (Ireland) Amendment Bill [H.L.] (*Lord O'Hagan*)
l. Report of Select Committee *June* 27
Bill reported * *June* 27 (No. 15)
Committee * *June* 28 (No. 175)
Report * *July* 1
Read 3ª * *July* 2
c. Read 1° * (*Mr. Attorney General*) *July* 8
Read 2° * *July* 15 [Bill 227]
Committee *—R.P. *July* 22
Committee * ; Report *July* 24
Considered * *July* 25
Committee * (*on re-comm.*); Report; Considered; *July* 26

Baptismal Fees Bill [H.L.] (*Bishop of Winchester*)
l. Read 3ª * *June* 21 (No. 160)
c. Read 1° * (*Mr. Monk*) *June* 24 [Bill 209]
Read 2° * *June* 27
Committee * ; Report *July* 1
Considered * *July* 4
Read 3° * *July* 8
l. Royal Assent *July* 18 [35 & 36 *Vict.* c. 36]

Barclay, Mr. A. C., *Taunton*
Intoxicating Liquor (Licensing), Comm. *cl.* 13, Amendt. 1701

Barnett, Mr. H., *Woodstock*
Albert and European Life Assurance Companies, Res. 391

Barttelot, Colonel W. B., *Sussex, W.*
Army Estimates—Army Reserve Force, 1520
Provisions, Forage, &c. 1553
Warlike Stores, 1553, 1556, 1557
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Military Forces Localisation (Expenses), 1211
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Railways (Ireland), 2R. 1340
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Basses Lights (Ceylon) Bill (*Mr. Arthur Peel, Mr. Chichester Fortescue, Mr. Baxter*)
c. Ordered; read 1° * *July* 8 [Bill 234]
Read 2° * *July* 11
Committee * ; Report *July* 16
Considered * *July* 17
Read 3° * *July* 22
l. Read 1ª * (*Earl Cowper*) *July* 23 (No. 241)

Bass, Mr. M. T., *Derby Bo.*
Army—Yeomanry and Volunteer Adjutants, 103
Imprisonment for Small Debts, 1517
Railways (Ireland), 2R. 1324
Supply—Militia Pay and Allowances, 126, 127

Bastardy Laws Amendment Bill (*Mr. Charley, Mr. Thomas Hughes, Mr. Eykyn, Mr. Whitwell*)
c. Committee; Report *July* 12, 1120 [Bill 109]
Considered *, debate adjourned *July* 15
Debate resumed *July* 19, 1497; Question put, and agreed to; Bill considered
Read 3° * *July* 22
l. Read 1ª * (*Earl of Shaftesbury*) *July* 23
Read 2ª * *July* 26 (No. 244)

Bates, Mr. E., *Plymouth*
Intoxicating Liquor (Licensing), 2R. 1002

Bateson, Sir T., *Devizes*
Ireland—Galway Election, 786, 787, 788
Leitrim, Lord Lieutenancy of—Earl of Granard, 1368
Threatening Letters, 1038

Bath, Marquess of
Army Regulation Act, 6
Church of England Fire Insurance, Comm. 279
Ireland—Galway Election, 865, 870
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Baxter, Mr. W. E. (Secretary to the Treasury), *Montrose, &c.*
Ireland—Superannuation Allowances—Valuation Department, 1040
Parliament—Select Committees—Expenses of Witnesses, 99, 100
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Bazley, Sir T., *Manchester*
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Beach, Sir M. E. Hicks-, *Gloucestershire, E.*
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Ireland—Galway Election Petition, Res. 1855
Municipal Corporations (Borough Funds), Comm. 1673
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Public Health, 345; Comm. 1082; *cl.* 3, 1379; *cl.* 10, 1391; *cl.* 15, Amendt. 1395, 1396; *cl.* 20, 1399; *cl.* 24, Amendt. 1401
Public Health (Salary), Report, 1071

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Inclosure Law Amendment, Comm. *cl.* 6, 940; *cl.* 19, Amendt. 942; *add. cl.* 1222; *cl.* 18, Amendt. 1223
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BEAUMONT, Capt. F. E. B., *Durham, S.*
Army Estimates—Works, Buildings, &c. 1565, 1568
Metalliferous Mines Regulation, Comm. *add. cl.* 873
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BEAUMONT, Mr. W. B., *Northumberland, S.*
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BELMORE, Earl of
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BENTINCK, Mr. G. A. F. Cavendish, *Whitehaven*
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Parliament—Public Business, Res. 1426, 1953
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BENTINCK Mr. G. W. P., *Norfolk, W.*
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BERESFORD, Colonel F. M., *Southwark*
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Public Health, Comm. 1081; *cl.* 18, 1398; Amendt. *ib.*
Supply—Volunteer Corps, 150, 152

BESSBOROUGH, Earl of (Lord Steward)
Army Purchase and Scientific Corps, Queen's Answer to Address, 267

Betting Bill (*Mr. Thomas Hughes, Mr. Osborne Morgan, Mr. Bowring*)
c. Bill withdrawn* *July* 19 [Bill 186]

BIRLEY, Mr. H., *Manchester*
Municipal Corporations (Wards), 3R. 750
Parliamentary and Municipal Elections, Lords Amendts. 371, 377
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Birmingham Sewerage Question
c. Question, Mr. Mundella; Answer, Mr. Stansfeld *July* 1, 424; Questions, Mr. Pell, Mr. Leeman; Answers, Mr. Stansfeld, Mr. Pell *July* 15, 1128; Question, Observations, Sir Robert Peel, Mr. Mundella; Reply, Mr. Stansfeld; short debate thereon, 1134

Bishops Resignation Act (1869) Perpetuation Bill [H.L.] (*Mr. Gladstone*)
c. Considered*; read 3° *June* 21 [Bill 137]

BLENNERHASSETT, Sir R., *Galway Bo.*
Proportional Representation, 2R. 912
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Board of Trade
The Trinity House—Dismissal of Mr. Beazeley, Question, Mr. Eastwick; Answer, Mr. A. Peel *July* 26, 1788

Board of Trade Inquiries Bill (*Earl Cowper*)
l. Read 3ª* *June* 21 (No. 155)
Royal Assent *June* 27 [35 & 36 *Vict.* c. 18]

BONHAM-CARTER, Mr. J. (Chairman of Committee of Ways and Means), *Winchester*
Army Estimates—Works, Buildings, &c. 1568
Church Seats, Comm. *cl.* 3, 1297
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1693, 1695; *cl.* 24, 1958, 1980
Mines (Coal) Regulation, Comm. *cl.* 16, 309
Parliament—Private Legislation, Res. 629
Public Health, Comm. *cl.* 3, 1383
Supply—Metropolitan Police Courts, 745
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Boundaries of Counties (Ireland) Bill [H.L.] (*Marquess of Lansdowne*)
l. Presented; read 1ª* *June* 27 (No. 180)
Read 2ª* *July* 4
Committee*; Report *July* 5
Read 3ª* *July* 8
c. Read 1°* *July* 22 [Bill 267]
Read 2°* *July* 25
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BOURKE, Hon. R., *Lynn Regis*
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BOUVERIE, Right Hon. E. P., *Kilmarnock, &c.*
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Ireland—Galway Election Petition, Res. 1853
Mines (Coal) Regulation, Comm. *cl.* 2, 28; *cl.* 7, 43; *cl.* 14, 188; *cl.* 19, 316; *cl.* 25, 325; *cl.* 30, 331; *cl.* 45, 501, 502; *cl.* 48, 643, 647, 662

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Bouverie, Right Hon. E. P.—*cont.*
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Bowring, Mr. E. A., *Exeter*
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  Eyre, Ex-Governor—Law Expenses of, 1760
  Parliament—Counts Out, Res. 1472
  Patent Laws Commission, 283
  Post Office, Exeter, Postmastership of, 1243
    West Indies, Postage to, 632
  Supply—Customs Department, 746
    Eyre's, Ex-Governor, Costs, Amendt. 799, 813, 818
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Brady, Mr. J., *Leitrim*
  Intoxicating Liquor (Licensing), Comm. *cl.* 19, 1916
  Ireland—Galway Election Petition, Res. 1852

Brand, Right Hon. H. B. W., (*see* **Speaker**, The)

Brand, Mr. H. R., *Hertfordshire*
  Army Estimates — Control Establishments, Wages, &c. 1533
  Public Health, Comm. 1081

Brassey, Mr. T., *Hastings*
  Navy Estimates—Admiralty Office, 1170

Brazil—British Claims against
  Question, Mr. Anderson; Answer, Viscount Enfield *July* 1, 428

Brewer, Dr. W., *Colchester*
  Army Estimates — Control Establishments, Wages, &c. 1540
  Church Seats, Comm. 1294
  Intoxicating Liquor (Licensing), Comm. *cl.* 14, 1892
  Metropolis—Thames Embankment, Buildings on, 1041
  Mines (Coal) Regulation, Comm. *cl.* 47, 508
  Parliament—Private Legislation, Res. 628
  Public Health, Comm. *cl.* 10, 1391; *cl.* 41, 1494
  Public Health (Salary), Report, 1073
  Supply—Medical Establishments, 108
    New Offices in Downing Street, 451

Brickfields
  Moved, "That an humble Address be presented to Her Majesty for the number and names of the officers appointed to inspect Brickfields, with the number of visits made by them to such brickfields during the past twelve months" (*Earl of Shaftesbury*) *July* 25, 1745; after short debate, Motion agreed to
  Return laid before the House *August* 8

Bright, Mr. Jacob, *Manchester*
  Army Estimates — Control Establishments, Wages, &c. Amendt. 1522
  Mines (Coal) Regulation, Comm. *cl.* 4, 33
  Parliament—Public Petitions, 1512
  West Indies—Leeward Islands, Government of the, 1515

Brise, Colonel S. B. **Ruggles-**, *Essex, E.*
  Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1960
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Bristol, Marquess of
  Parliamentary and Municipal Elections, 3R. Amendt. 160

Bristowe, Mr. S. B., *Newark*
  Mines (Coal) Regulation, Comm. *cl.* 48, 649

Brogden, Mr. A., *Wednesbury*
  Mines (Coal) Regulation, Comm. *cl.* 16, Amendt. 306; *cl.* 48, 525; Amendt. 641, 647, 653; *cl.* 59, Amendt. 665; Consid. *add. cl.* 885; 3R. 1280

Brown, Mr. A. H., *Wenlock*
  Army—Cavalry Remounts, 1116
  Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1689
  Military Forces Localisation (Expenses), 2R. 1671
  Mines (Coal) Regulation, Comm. *cl.* 4, 30, 37; *cl.* 14, 188; *cl.* 15, 305; *cl.* 33, 332; *cl.* 48, 511; *add. cl.* 708; Consid. *add. cl.* 878; *cl.* 6, 889; *cl.* 11, Amendt. 1004
  Parliamentary and Municipal Elections, Lords Amendts. 376

Bruce, Right Hon. H. A. (Secretary of State for the Home Department), *Renfrewshire*
  Ballot, 1416, 1751
  Burials, Comm. 222
  Capital Punishment Abolition, 2R. 1709, 1739
  Church Seats, Comm. *cl.* 3, 1296
  Criminal Law—Questions, &c.
    Ashton-under-Lyne — Police, Conduct of, 1040
    Convict Labour, 633
    Droitwich Magistrates, 793
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  Durham Church Leaseholds, 1118
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Local Taxation—Annual Prosecution Expenses, 427
Metalliferous Mines Regulation, Comm. *cl.* 8, Amendt. 717 ; *cl.* 9, *ib.*, 720 ; Amendt. 722 ; *cl* 23, 873 ; *add. cl. ib.*
Mines (Coal) Regulation, Comm. 27 ; *cl.* 2, 28 ; *cl.* 4, 33, 38 ; *cl.* 5, 41 ; *cl.* 7, 42, 43, 44 ; *cl.* 8, 45 ; *cl.* 11, *ib.*, 46, 182 ; *cl.* 12, *ib.* ; *cl.* 13, 183 ; *cl.* 14, *ib.*, 184, 189 ; *cl.* 15, 305 ; *cl.* 16, Amendt. 306, 307, 308, 313 ; *cl.* 17, 315 ; *cl.* 19, *ib.*, 316 ; *cl.* 24, *ib.*, 317, 318, 319 ; *cl.* 25, 322, 326 ; *cl.* 29, 329 ; *cl.* 30, 330, 331 ; *cl.* 33, 332 ; *cl.* 42, 496, 499 ; *cl.* 45, 502 ; *cl.* 46, 505 ; *cl.* 47, 506, 507 ; *cl.* 48, 512, 526 ; Amendt. 640, 641, 643, 644, 646, 648, 649, 650, 652, 653, 661 ; *cl.* 58, 663, 664 ; *cl.* 59, 665 ; *cl.* 63, *ib.* ; *cl.* 68, 666, 667 ; *cl.* 15, *ib.* ; *add. cl.* 708, 709, 711, 715 ; Preamble, *ib.*, 716 ; Consid. *add. cl.* 874, 876, 877, 878, 879 ; Amendt. 880, 881, 882, 883, 884, 885 ; *cl.* 5, 887 ; *cl.* 6, 888, 889 ; *cl.* 8, Amendt. 1003, 1004 : *cl.* 11, 1005 ; *cl.* 14, 1006 ; *cl.* 15, 1007 ; *cl.* 16, Amendt. *ib.* ; *cl.* 24, Amendt. 1008 ; *cl.* 45, *ib.* ; Amendt. 1010 ; 3R. 1279
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BRUEN, Mr. H., *Carlow Co.*
Mines (Coal) Regulation, Comm. *cl.* 2, Amendt. 28 ; *cl.* 4, 30 ; *cl.* 11, Amendt. 181, 182 ; *cl.* 17, Amendt. 315 ; *cl.* 19, Amendt. *ib.* ; *cl.* 24, Amendt. 319 ; *cl.* 46, Amendt. 505, 506 ; *cl.* 68, Amendt. 666

BUCCLEUCH, Duke of
Education (Scotland), Comm. *cl.* 1, Amendt. 1020, 1021

BUCKHURST, Lord
Acrobats, 2R. 618 ; Comm. 1503, 1505
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Building Societies Bill
(*Mr. Gourley, Sir Roundell Palmer, Mr. Torrens, Mr. William Henry Smith, Mr. Dodds*)
c. Bill withdrawn * *July* 23 [Bill 153]

Burial Grounds Bill [H.L.]
c. Bill withdrawn * *July* 4 [Bill 111]

Burials Bill
(*Mr. Osborne Morgan, Lord Edmond Fitzmaurice, Mr. Hadfield, Mr. M'Arthur*)
c. Order for Committee read ; Moved, "That this House will, upon Tuesday the 9th day of July next, again resolve itself into the said Committee" *June* 25, 220
  Amendt. to leave out "9th day of July," and insert "3rd day of September" (*Sir Michael Hicks-Beach*), *v* ; Question put, "That the words, &c. ;" A. 78, N. 130 ; M. 52 ; words inserted
[*cont.*

Burials Bill—cont.
Main Question, as amended proposed, "That this House will, upon Tuesday the 3rd day of September next, again resolve itself into the said Committee"
Moved, "That the debate be now adjourned" (*Mr. Candlish*) ; after short debate, Motion withdrawn ; main Question, as amended, put, and agreed to

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  New Offices in Downing Street, 451
  Post Office and Inland Revenue Buildings, 460
  Post Office Packet Service, 155
  Royal Parks and Gardens, 434
  Surveys of the United Kingdom, &c. 462, 467
  Volunteer Corps, 152, 153

BUTLER-JOHNSTONE, Mr. H. A., *Canterbury*
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BUTT, Mr. I., *Limerick City*
Ireland—Galway Election Petition, 1634 ; Res. 1763, 1851, 1852, 1854

CAIRNS, Lord
Church of England Fire Insurance, Comm. 276 ; Amendt. 280
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Endowed Schools Commissioners — Hughes' Charity, Beaumaris, Motion for an Address, 1862
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CALLAN, Mr. P., *Dundalk*
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Cambridge University — University Tests Act
Question, Mr. R. Torrens ; Answer, Mr. Gladstone *July* 4, 638

CAMERON, Mr. D., *Inverness-shire*
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CAMPBELL, Lord
Slave Trade (East African Coast), Motion for an Address, 1608, 1619, 1620

CAMPERDOWN, Earl of (Lord of the Admiralty)
Army — Royal Military Academy, Woolwich, Address for Correspondence, 281
Education (Scotland), Comm. *cl.* 50, 1025
Navy—Gunnery Experiments—H.M.S. "Hotspur" and "Glatton," 282
  Staff Commanders and Navigating Lieutenants, 165

Canada, Dominion of—Defences
Question, Major Arbuthnot; Answer, Mr. Gladstone *July* 18, 1364

CANDLISH, Mr. J., *Sunderland*
Burials, Comm. Motion for Adjournment, 221, 222
Education (Scotland), Consid. *cl.* 66, 172; *cl.* 69, 178
Intoxicating Liquor (Licensing), Comm. *cl.* 7, 1680; *cl.* 12, 1687; *cl.* 14, 1888, 1890; *cl.* 16, 1912; *cl.* 19, 1914
Mines (Coal) Regulation, Comm. *cl.* 7, 43; *cl.* 11, 46; *cl.* 24, 317; *cl.* 58, 665; Consid. *add. cl.* Amendt. 877, 878, 880; *cl.* 11, 1005; *cl.* 45, 1009
Public Health, Comm. *cl.* 41, 1494
Supply—Burlington House, 459
  Harbours, &c. 469
  New Offices in Downing Street, 456
  Post Office and Inland Revenue Buildings, 460
Vaccination Acts Amendment, 2R. 934

CANTERBURY, Archbishop of
Education (Scotland), Comm. 1012
Palace of Westminster—Victoria Tower, 1239, 1241

Cape Colony, The — Responsible Government
Question, Mr. R. N. Fowler; Answer, Mr. Knatchbull-Hugessen *July* 25, 1753

Capital Punishment Abolition Bill
(*Mr. Charles Gilpin, Mr. Robert Fowler, Mr. M'Laren, Sir John Gray*)
c. Moved, "That the Bill be now read 2°" *July* 24, 1707 [Bill 32]
Amendt. to leave out "now," and add "upon this day three months" (*Mr. J. D. Lewis*); after long debate, Question put, "That 'now' &c.;" A. 54, N. 167; M. 113; words added; main Question, as amended, put, and agreed to; 2R. put off for three months

CARDWELL, Right Hon. E. (Secretary of State for War), *Oxford City*
Army—Questions, &c.
  Autumn Manœuvres, 426, 495, 639, 791
  Auxiliary Forces, 288
  Brighton Review on Easter Monday, 704
  Commissions, 795
  Depôt Centres, 797, 1128
  Employment of Soldiers, 1360
  Medical Regulations, 797
  Militia, 790, 1127
  Militia Storehouses, 796
  Regimental Paymasters, 1362
  Reserve Force, 1887
  Royal (late Indian) Engineers, 104
  Royal Military Hospital, Dublin, 283
  Tribe, Lieutenant, Case of, 286
  Volunteers, Efficiency of—Draft Scheme, 1364
  Volunteers—War Office Circulars, 793
  Wimbledon Review, 640
  Yeomanry—Musketry Instructors, 1040
Army—Scientific Corps, Motion for a Committee, 410
Army—Staff Officers, Res. 412
Army Estimates—Army Reserve Force, 1520, 1521, 1522
  Control Establishments, Wages, &c. 1532, 1549, 1550
  Warlike Stores, 1556
  Works, Buildings, &c. 1567; Motion for reporting Progress, 1568
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Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1974
Ireland—Antrim Artillery—Lord Massereene, 1885
  Kerry Militia, 1749
  Mr. Justice Keogh, 1125
Military Forces Localisation (Expenses), 2R. 1200, 1211, 1215, 1639, 1644, 1658, 1671, 1672, 1673
Supply—Army Reserve Force, 154
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  Militia Pay and Allowances, 119, 124, 125, 126;—Report, 191
  Volunteer Corps, 131, 141, 148, 151
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CARLISLE, Bishop of
Trusts of Benefices and Churches, Report, 415, 416; 3R. 623

CARTWRIGHT, Mr. W. C., *Oxfordshire*
Persia, Relations with, Res. 1109

Cattle Plague
Contagious Diseases (Animals) Prevention Act—Carcases of Animals, Question, Mr. C. S. Read; Answer, Mr. W. E. Forster *June* 27, 285—*Foot and Mouth Disease*, Question, Mr. Backhouse; Answer, Mr. W. E. Forster *July* 15, 1125; Question, Mr. C. S. Read; Answer, Mr. W. E. Forster *July* 18, 1367
Importation of Foreign Cattle—from Russia, Questions, Sir Henry Selwin-Ibbetson, Sir James Elphinstone; Answers, Mr. W. E. Forster *July* 19, 1415; Questions, Mr. Dent,

[*cont.*

Cattle Plague—cont.
- Colonel Wilson Patten; Answers, Mr. W. E. Forster *July* 25, 1755—*Schleswig-Holstein*, Question, Mr. Samuda; Answer, Mr. W. E. Forster *July* 5, 702

Cave, Right Hon. S., *New Shoreham*
- Albert and European Life Assurance Companies, Res. 380, 404
- Capital Punishment Abolition, 2R. 1731
- Gas Companies, Metropolitan, 794
- Supply—Harbours, &c. 470
  - Survey of the United Kingdom, &c. 468
- Vaccination Acts Amendment, 2R. 932

Cavendish, Lord F. C., *Yorkshire, W.R., N. Div.*
- Mines (Coal) Regulation, Comm. *cl.* 4, 37; Consid. *cl.* 5, 886

Cavendish, Lord G. H., *Derbyshire, N.*
- Metalliferous Mines Regulation, *add. cl.* 873

Cawley, Mr. C. E., *Salford*
- Intoxicating Liquor (Licensing), Comm. *cl.* 9, 1686; *cl.* 14, Amendt. 1888; *cl.* 24, 1980
- Mines (Coal) Regulation, Comm. *cl.* 7, 43, 44; *cl.* 46, 506
- Public Health, Comm. *cl.* 10, 1392; *cl.* 13, 1394; *cl.* 41, 1494; *cl.* 42, Amendt. 1496
- Scotland—Arbroath Harbour Loan, 104

Cecil, Lord E. H. B. G., *Essex, W.*
- Army Estimates — Control Establishments, Wages, &c. 1552
  - Warlike Stores, 1557
  - Works, Buildings, &c. Amendt. 1560, 1565, 1566, 1567, 1568
- Intoxicating Liquor Licensing, Comm. *cl.* 19, 1913, 1916
- Military Forces Localisation (Expenses), 2R. 1215
- Parliamentary and Municipal Elections, Lords Amendts. 1063
- Public Health, Comm. 1079
- Supply—Army Reserve Force, Motion for reporting Progress, 154
  - Militia Pay and Allowances, 125

Chain Cables and Anchors Act (1871) Suspension Bill (*Earl Cowper*)
- *l.* Read 2ª* *July* 9 (No. 163)
- Committee*; Report *July* 11
- Read 3ª* *July* 12
- Royal Assent *July* 18 [35 & 36 *Vict.* c. 30]

Chambers, Sir T., *Marylebone*
- Civil Service Co-operative Associations, 953

Chambers, Mr. M., *Devonport*
- Intoxicating Liquor Licensing, 2R. 993, 997
- Public Health, Comm. *cl.* 10, 1392; *cl.* 13, 1394
- Supply—Eyre's, Ex-Governor, Costs, 821
  - Militia Pay and Allowances, 126
  - National Gallery, 457
  - New Offices in Downing Street, 452
  - Post Office and Inland Revenue Buildings, 460

Chancellor, The Lord (Lord Hatherley)
- Church of England Fire Insurance, Comm. 280
- Court of Chancery (Funds), 2R. 417, 420
- Education (Scotland), Comm. Preamble, 1036
- Endowed Schools Commissioners — Hughes' Charity, Beaumaris, Motion for an Address, 1861
- Mines (Coal) Regulation, Comm. *cl.* 53, 1882
- Parliamentary and Municipal Elections, Commons Amendts. *cl.* 25, 783
- Trusts of Benefices and Churches, Report, 416
- Wild Birds Protection, 2R. 1884

Chancellor of the Exchequer (Right Hon. R. Lowe), *London University*
- Albert and European Life Assurance Companies, Res. 401
- Civil Service Co-operative Associations, 953
  - Temporary Writers, Pay of, 429, 431
- Criminal Law—"Tichborne *v.* Lushington"—Prosecution, &c. 1119
- Income Tax Collection, 1754
- Inland Revenue—Carriage Duty, 790
  - Railways, 1370
- Joint Stock Banks (Ireland), Res. 1290
- Law Officers' Expenses, 1762
- Law Officers of the Crown, Res. 55
- Legacy and Succession Duty Department, 1148
- Military Forces Localisation (Expenses), 2R. 1215
- Supply—Customs Department, 854
  - Eyre's, Ex-Governor, Costs, 798
  - Natural History Museum, 743
  - Wellington Monument, 471
- Thames Embankment (Land), Comm. 1579
- Ways and Means—Inhabited House Duty, 631

Charitable Trustees Incorporation Bill (*Lord Romilly*)
- *l.* Read 3ª* *June* 25 (No. 127)
- Royal Assent *June* 27 [35 & 36 *Vict.* c. 24]

Charley, Mr. W. T., *Salford*
- Bastardy Laws Amendment, Consid. Amendt. 1497
- Intoxicating Liquor (Licensing), Comm. *cl.* 14, 1892
- Parliamentary and Municipal Elections, Lords Amendts. 484; *cl.* 33, 1062

Chelmsford, Lord
- Inclosure Law Amendment, Comm. *add. cl.* 1510
- Parliamentary and Municipal Elections, Report, *add. cl.* 18; Commons Amendts. 1122

Chichester, Earl of
- Inclosure Law Amendment, Report, *cl.* 3, 1221

Childers, Right Hon. Hugh C. E., *Pontefract*
- Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1984, 1985
- Mines (Coal) Regulation, Comm. *cl.* 4, 35
- Navy Estimates—Admiralty Office, 1197

Church of England Fire Insurance Bill [H.L.] (*Lord Egerton*)
l. Read 2a* *June* 25 (No. 102)
Moved, "That the House do now resolve itself into a Committee on the said Bill" *June* 27, 276
Amendt. to leave out ("now,") and insert ("this day three months" (*Lord Cairns*); after short debate, on Question, That ("now,") &c.; Cont. 16, Not-Cont. 14; M. 2; resolved in the affirmative; Committee; Report; and Bill referred to a Select Committee
And, on July 2, Committee nominated; List of the Committee, 281
Report of Select Committee* *July* 16
Bill reported* *July* 16 (Nos. 215-216)

Church of England—Property and Revenues of the
Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty that by means of a Royal Commission full and accurate particulars may be procured of the origin, nature, amount, and application of any property and revenues appropriated to the use of the Church of England" (*Mr. Miall*) *July* 2, 527
Amendt. To leave out "the use of the Church of England," and add "any ecclesiastical purposes, and that such Commission may be instructed to consider what re-arrangements in the system of parochial benefices may be needed for the better adjustment of parishes and incomes in the Church of England, and what amendments may be made in the Laws relating to the patronage of benefices" (*Mr. Thomas Hughes*) *v.*, 548; Question proposed, "That the words, &c.;" after long debate, Question put; A. 94, N. 295; M. 201
Division List, Ayes and Noes, 578
Question put, "That the words 'any ecclesiastical purposes, &c.,'" be added, instead thereof; A. 41, N. 270; M. 229; main Question, as amended, put, and negatived

Church Seats Bill [H.L.]
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Beresford Hope*) *July* 16, 1290
Amendt. to leave out from "That," and add "this House will, upon this day three months, resolve itself into the said Committee" (*Mr. Donald Dalrymple*) *v.*; Question proposed, "That the words, &c.;" after short debate, Question put; A. 89, N. 46; M. 43
Main Question, "That Mr. Speaker, &c." put, and agreed to; Committee; Report [Bill 194]
Considered* *July* 18
Committee* (*on re-comm.*); Report; Considered; Read 3° *July* 25

Civil Service Co-operative Associations
Question, Sir Thomas Chambers; Answer, The Chancellor of the Exchequer *July* 11, 953

Civil Service—Pay of Temporary Writers
Questions, Mr. Pease, Mr. Bowring, Mr. Otway; Answers, The Chancellor of the Exchequer *July* 1, 429

Clanricarde, Marquess of
France—Political Prisoners, Deportation of, 336
Prisons (Ireland), Comm. *cl.* 8, 98

Clerks of the Peace and Justices Clerks' Salaries and Fees Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Bill withdrawn* *July* 1 [Bill 164]

Cleveland, Duke of
Limited Owners Improvements, 2R. 11
Parliamentary and Municipal Elections, Commons Amendts. 782

Coal, Export of
Question, Lord John Manners; Answer, Mr. Chichester Fortescue *July* 22, 1515

Cochrane, Mr. A. D. W. R. Baillie, *Isle of Wight*
Colonial Governors Pensions, Comm. *cl.* 3, Amendt. 333; *cl.* 4, 335
Egypt—Judicial Reforms, Motion for Papers, 723
Metropolis—Parliament Street, 1413, 1414
Parliament—Public Business, Res. 1428
Suez Canal—Increase of Tonnage Dues, 101, 428
Supply—New Offices in Downing Street, 449

Colchester, Lord
Limited Owners Improvements, 2R. 14
Parliamentary and Municipal Elections, 3R. 161

Colebrooke, Sir T. E., *Lanarkshire, S.*
Education (Scotland), Consid. *cl.* 66, 171

Coleridge, Sir J. D., *see* Attorney General, The

Collins, Mr. T., *Boston*
Ballot, 1416, 1751
Church Seats, Comm. 1293; *cl.* 3, 1296
Criminal Law Amendment Act (1871) Amendment, 2R. 752
Fiji Islands, Motion for an Address, 218, 219
Intoxicating Liquor (Licensing), 2R. 1001; Comm. *cl.* 5, 1676; *cl.* 7, 1679, 1680; *cl.* 9, 1683; *cl.* 12, 1689; Amendt. 1696, 1697, 1699; *cl.* 14, 1898, 1904, 1909; *cl.* 24, 1957; Amendt. 1958, 1978, 1980, 1982
Judicial Organization, Report of Committee, Res. 1945
Metropolis—Thames Embankment, Buildings on, 1041
Mines (Coal) Regulation, Comm. *cl.* 33, 332; Consid. Motion for Adjournment, 1010
Municipal Corporations (Wards), 3R. 750
Parliament—Public Business, Res. 1428

[*cont.*

COLLINS, Mr. T.—*cont.*
Parliamentary and Municipal Elections, Lords Amendts. 1058, 1067
Proportional Representation, 2R. 916
Public Health, Comm. *cl.* 41, 1493, 1494
Real Estates (Titles), 2R. 232
Supply—Post Office Packet Service, 155

COLMAN, Mr. J. J., *Norwich*
Parliamentary and Municipal Elections, Lords Amendts. 367

Colonial Governors (Pensions) Bill
(*Mr. Bonham-Carter, Mr. Knatchbull-Hugessen, Mr. Baxter*)
c. Moved, "That the Bill be now read 2°" *June* 21, 78
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Dickinson*); after short debate, Question, "That 'now,' &c.," put, and agreed to; main Question put, and agreed to; Bill read 2°
Committee; Report *June* 27, 333
Considered * *July* 1
Read 3° * *July* 4
l. Read 1ª * (*Earl of Kimberley*) *July* 5 (No. 196)
Read 2ª * *July* 11
Committee *; Report *July* 12
Read 3ª * *July* 15
Royal Assent *July* 18 [35 & 36 *Vict.* c. 29]

COLONSAY, Lord
Education (Scotland), Comm. *cl.* 1, 1016; *cl.* 50, 1026; *cl.* 66, 1030, 1031; Preamble, 1033; Report, *cl.* 29, Amendt. 1224; *cl.* 43, Amendt. *ib.*

Commons Protection, &c. Bill
(*Sir Charles Dilke, Mr. Taylor, Mr. Morrison*)
c. Moved, "That the Bill be now read 2°" *July* 3, 583
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Gregory*); after debate, Question put, "That 'now,' &c.;" A. 17, N. 184; M. 167; words added; main Question, as amended, put, and agreed to; 2R. put off for three months

CONOLLY, Mr. T., *Donegal Co.*
Ireland—Lighthouses for Lough Swilly, 632

Consolidated Fund (£8,000,000) Bill
(*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter*)
c. Considered in Committee * *July* 10
Bill ordered; read 1° * *July* 11
Read 2° * *July* 12
Committee *; Report *July* 15
Read 3° * *July* 16
l. Read 1ª * (*Marquess of Lansdowne*) *July* 16
Read 2ª *; Committee negatived *July* 18
Read 3ª * *July* 19
Royal Assent *July* 25 [35 & 36 *Vict.* c. 37]

Contagious Diseases Prevention Bill
(*Mr. Secretary Bruce, Mr. Winterbotham*)
c. Bill withdrawn * *July* 15 [Bill 42]

CORBETT, Colonel E., *Shropshire, S.*
Mines (Coal) Regulation, Comm. *cl.* 48, 650
Parliamentary and Municipal Elections, Lords Amendts. 366
Proportional Representation, 2R. 923
Sale of Liquors on Sunday, 2R. 615
Supply—Militia Pay and Allowances, 112

CORK, Earl of
Army Regulation Act, 4

CORRANCE, Mr. F. S., *Suffolk, E.*
Army—Gun Cotton, 1754
Parliamentary and Municipal Elections, Lords Amendts. 375, 1050
Proportional Representation, 2R. 924
Public Health, 345; Comm. 1272; *cl.* 3, 1375, 1386; *cl.* 5, Amendt. 1390; *cl.* 10, 1391; *cl.* 16, Amendt. 1396; *cl.* 20, 1400
Public Health (Salary), Report, 1072

CORRIGAN, Sir D. J., *Dublin City*
Intoxicating Liquor (Licensing), Comm. *cl.* 22, 1954
Ireland—Galway Election Petition, Res. 1853
Railways (Ireland), 2R. 1339
Sale of Liquors on Sunday (Ireland), 2R. 258, 608, 611

Corrupt Practices Bill
(*Mr. Attorney General, Mr. Solicitor General*)
c. Question, Mr. Assheton Cross; Answer, Mr. Gladstone *July* 11, 950
Bill withdrawn * *July* 22 [Bill 22]

Corrupt Practices at Municipal Elections Bill (*Mr. James, Mr. Whitbread, Mr. Cross, Mr. Leatham, Mr. Rathbone*)
c. Questions, Mr. Rylands; Answers, Mr. Gladstone, Mr. James *July* 4, 640
Committee *; Report *July* 10 [Bill 86]
Considered *; Re-comm.; Committee; Report; Considered *July* 15
Read 3° * *July* 17
l. Read 1ª * (*Lord Penzance*) *July* 18 (No. 228)
Bill read 2ª *July* 25, 1743

CORRY, Right Hon. H. T. L., *Tyrone Co.*
Admiralty and War Office Rebuilding, 796
Army Estimates—Works, Buildings, &c. 1567
Elementary Education—Revised New Code (1871), Res. 1467
Navy Estimates—Admiralty Office, 1178, 1181, 1199

Countess of Mayo's Annuity Bill—See title *Mayo, Countess of*

County Court Judges—Circuit No. 22
Question, Mr. West; Answer, The Attorney General *July* 11, 949

County Courts
Mid-Wales Circuit, Question, Mr. Osborne Morgan; Answer, The Attorney General *July* 4, 637
Welsh Circuits, Question, Mr. Osborne Morgan; Answer, The Attorney General *July* 11, 957

County Officers (Ireland) Bill
(*The Marquess of Hartington, Mr. Attorney General for Ireland*)
c. Bill withdrawn * *July* 15 [Bill 174]

County Rates
Address for, Return of the sums expended in the various counties in England and Wales levied on the county rate during the year 1871, showing separately the total expenditure in each county and the portion of the above so spent under statute over which the local authority have no control and that over which they have an independent control; also the items of expenditure in each county under the last column: [Tabular Form] (*Lord Henniker*) *June* 21, 18; Motion agreed to

Court of Chancery (Funds) Bill
(*Lord Chancellor*)
l. Bill read 2ª, after short debate *July* 1, 417 (No. 161)
Committee * *July* 5 (No. 195)
Report * *July* 11 (No. 205)
Read 3ª * *July* 16

Courts of Justice, The New
The Strand Front, Question, Mr. Cavendish Bentinck; Answer, Mr. Ayrton *July* 5, 699

Courts of Law (Scotland) Agents Bill
(*The Lord Advocate, Mr. Adam*)
c. Committee *; Report *July* 4 [Bill 135]
Committee * (*on re-comm.*); Report *July* 15
Considered * *July* 16 [Bill 223]
Bill withdrawn * *July* 22

COWPER, Earl
Merchant Shipping Code, 1121

COWPER-TEMPLE, Right Hon. W. F., *Hampshire, S.*
Church Seats, Comm. *cl.* 3, 1296, 1297
Intoxicating Liquor (Licensing), Comm. *cl.* 15, 1911
Metropolis—Battersea Park, 1519
Occasional Sermons, 2R. 236, 257
Public Health, Comm. *cl.* 41, 1493
Supply—Houses of Parliament, 447
National Gallery, 457
New Offices in Downing Street, 452
Thames Embankment (Land), Comm. 1586
Wild Birds Protection, Consid. Schedule, 1298

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
Church Seats, Comm. 1294; *cl.* 3, 1297
Education (Scotland), Consid. *cl.* 58, 170; *cl.* 66, *ib.*; *cl.* 68, 175
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CRAUFURD, Mr. E. H. J.—*cont.*
Mines (Coal) Regulation, Comm. *cl.* 48, 524, 651
Parliamentary and Municipal Elections, Lords Amendts. 376, 379
Public Health (Salary), Report, 1074

CRAWFORD, Mr. R. W., *London*
Church Seats, Comm. 1292; *cl.* 3, Amendt. 1295, 1296
Metropolis—Thames Embankment, 792

CRICHTON, Viscount, *Enniskillen*
Ireland—Galway Election, 340, 634

Criminal Law
Ashton-under-Lyne—Conduct of the Police, Question, Mr. Mellor; Answer, Mr. Bruce *July* 12, 1040
Convict Labour—Mat-making, Question, Colonel Beresford; Answer, Mr. Bruce *July* 4, 633
Metropolitan Police—Alleged Violence at Acton, Question, Mr. Eykyn; Answer, Mr. Bruce *July* 8, 791
The Droitwich Magistrates—Assault on a Boy, Question, Mr. Sherriff; Answer, Mr. Bruce *July* 8, 793
"*Tichborne v. Lushington*"—*Prosecution of the "Claimant" for Perjury*, Question, Observations, Mr. Whalley; Reply, The Chancellor of the Exchequer *July* 12, 1118; Question, Mr. Eykyn; Answer, The Attorney General *July* 15, 1138

Criminal Law Amendment Act (1871) Amendment Bill (*Mr. Vernon Harcourt, Mr. James, Mr. Mundella, Mr. Dixon, Mr. Melly*)
c. Moved, "That the Bill be now read 2°" *July* 5, 750
Moved, "That the Debate be now adjourned" (*Lord Elcho*); after short debate, Question put; A. 32, N. 30; M. 2; Debate adjourned

Criminal Law Amendment Act, 1871—*Picketing*
Question, Observations, Mr. Vernon Harcourt; Reply, Mr. Gladstone; short debate thereon *July* 15, 1130

CROFT, Sir H. G. D., *Herefordshire*
Parliamentary and Municipal Elections, Lords Amendts. 377

CROSS, Mr. R. Assheton, *Lancashire, S.W.*
Chancellor of the Duchy of Lancaster, Office of, 1753
Corrupt Practices, 950
Fiji Islands, Motion for an Address, 218
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1696; *cl.* 13, 1704
Mines (Coal) Regulation, Comm. *cl.* 4, 29; *cl.* 11, 45; *cl.* 48, 650; *cl.* 58, Amendt. 663, 664; *cl.* 63, 665
[*cont.*

Cross, Mr. R. Assheton—*cont.*
Municipal Corporations (Wards), 3R. 748
Parliament—Public Business, Res. 1430
Parliamentary and Municipal Elections, Lords Amendts. 379
Public Health, Comm. *cl.* 20, Amendt. 1398, 1399, 1401; *cl.* 41, 1493, 1494, 1495; *cl.* 43, Amendt. 1496

Cubitt, Mr. G., *Surrey, W.*
Property and Revenues of the Church of England, Address for a Commission, 564

Custody of Infants Bill
(*Mr. William Fowler, Mr. Andrew Johnston, Mr. Mundella*)
c. 2R. debate adjourned *June* 27 [Bill 93]
Read 2° * *July* 3
Committee *—R.P. *July* 17
Committee *July* 18, 1403 [House counted out]

Customs and Inland Revenue Bill
(*Marquess of Lansdowne*)
l. Read 2ª * ; Committee negatived *June* 24
Read 3ª * *June* 25 (No. 162)
Royal Assent *June* 27 [35 & 36 *Vict.* c. 20]

Dalhousie, Earl of
Education (Scotland), Comm. *cl.* 20, 1023; *cl.* 35, 1024; *cl.* 57, 1029; *cl.* 65, 1030; Preamble, 1032, 1036

Dalrymple, Mr. D., *Bath*
Church Seats, Comm. Amendt. 1291; *cl.* 2, Amendt. 1295
Intoxicating Liquor (Licensing), 2R. 998; Comm. *cl.* 9, 1684
Occasional Sermons, 2R. 254
Public Health, Comm. 1082; *cl.* 3, 1379
Sale of Liquors on Sunday, 2R. 616

Davies, Mr. R., *Anglesey Co.*
Supply—Harbours, &c. Amendt. 468, 470

Debtors (Ireland) Bill [H.L.]
(*Lord O'Hagan*)
l. Report of Select Comm.* *June* 27
Bill reported * *June* 27 (No. 52)
Committee * *June* 28 (No. 175)
Report * *July* 1
Read 3ª * *July* 2
c. Read 1° * (*Mr. Attorney General for Ireland*) *July* 8 [Bill 228]
Read 2° * *July* 15
Committee *—R.P. *July* 22
Committee * ; Report *July* 24
Considered * *July* 25
Read 3° * *July* 26
l. Royal Assent *August* 6 [35 & 36 *Vict.* c. 57]

Debts, Imprisonment for Small
Question, Mr. M. T. Bass; Answer, Mr. Gladstone *July* 22, 1517

Defamation of Private Character Bill
(*Mr. Raikes, Mr. Cross, Mr. Denman*)
c. Bill withdrawn * *July* 23 [Bill 99]

Delahunty, Mr. J., *Waterford City*
Joint Stock Banks (Ireland), Res. 1289, 1290
Local Government Board (Ireland), Comm. *cl.* 3, 1588
Mines (Coal) Regulation, Comm. *cl.* 68, 667
Proportional Representation, 2R. 923

De la Warr, Earl
Army—Autumn Manœuvres, 1742
Inclosure Law Amendment, 2R. 493

Denison, Mr. C. Beckett-, *Yorkshire, W.R., E. Div.*
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1986
Railways (Ireland), 2R. 1339
Supply—Royal Parks and Gardens, 434, 435

Denman, Lord
Army Regulation Act, 6
Parliamentary and Municipal Elections, 3R. 157; Commons Amendts. 782

Denman, Hon. G., *Tiverton*
Law Officers of the Crown, Res. 71
Mines (Coal) Regulation, Comm. *cl.* 47, 507; *cl.* 48, 525, 643

Dent, Mr. J. D., *Scarborough*
Cattle Plague—Importation from Russia, 1755, 1756
Intoxicating Liquor (Licensing), Comm. *cl.* 9, 1684; *cl.* 12, 1692; Amendt. 1693, 1694, 1697

Derby, Earl of
Indian Mutiny—Delhi, Ex-Royal Family of, 1352

De Ros, Lord
Metalliferous Mines Regulation, 2R. 1600

Dickinson, Mr. S. S., *Stroud*
Army Estimates — Control Establishments, Wages, &c. 1533
Colonial Governors Pensions, 2R. Amendt. 79
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1959
Real Estates (Titles), 2R. 231

Dilke, Sir C. W., *Chelsea, &c.*
Commons Protection, &c. 2R. 583, 597, 601
Proportional Representation, 2R. Amendt. 905
Treaty of Washington, 1514

Dillwyn, Mr. L. L., *Swansea*
Public Health, Comm. *cl.* 41, Amendt. 1496
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Dimsdale, Mr. R., *Hertford*
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DISRAELI, Right Hon. B., *Buckinghamshire*
Ireland—Galway Election Petition, 1150, 1370, 1371; Res. 1849
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DIXON, Mr. G., *Birmingham*
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DODDS, Mr. J., *Stockton*
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DODSON, Mr. J. G., *Sussex, E.*
France—Deportation of Political Prisoners, 952, 1621, 1622
Intoxicating Liquor (Licensing), 2R. 998; Comm. *cl.* 7, 1681; *cl.* 9, 1683; *cl.* 14, 1892, 1908; *cl.* 19, 1914
Parliament—Private Legislation, Res. 626
Parliamentary and Municipal Elections, Lords Amendts. 372, 375
Public Health, Comm. *cl.* 20, 1401

DOWNING, Mr. M'Carthy, *Cork Co.*
Ireland—Galway Election Petition, Res. 1851
Parliamentary and Municipal Elections, Lords Amendts. 1066

DOWSE, Right Hon R. (Attorney General for Ireland), *Londonderry, Bo.*
Capital Punishment Abolition, 2R. 1731
Ireland—Galway Election Petition, 343, 701, 1626, 1634; — "Freeman's Journal," 1760
  Walsh, Rev. Patrick, Case of, 1149, 1758
Juries Act Amendment (Ireland), Comm. 156
Parliament—Public Business, 1144

Drainage and Improvement of Lands (Ireland) Acts Amendment Bill
(*Mr. Attorney General for Ireland, The Marquess of Hartington*)
c. Read 2° * *June* 24 [Bill 202]
Committee *; Report *June* 25
Considered * *June* 26
Read 3° * *June* 27
l. Read 1ª * (*Marquess of Lansdowne*) *June* 28
Read 2ª * *July* 12 (No. 184)
Committee *; Report *July* 15
Read 3ª * *July* 16
Royal Assent *July* 18 [35 & 36 *Vict.* c. 31]

Drainage and Improvement of Lands (Ireland) Supplemental Bill
(*Marquess of Lansdowne*)
l. Read 2ª * *June* 21 (No. 142)
Committee *; Report *June* 24
Read 3ª * *June* 25
Royal Assent *June* 27 [35 & 36 *Vict.* c. lxiv]

Drainage and Improvement of Lands (Ireland) Supplemental (No. 2) Bill
(*Mr. William Henry Gladstone, Mr. Baxter*)
c. Ordered; read 1° * *July* 1 [Bill 218]
Read 2° * *July* 4
Committee *; Report *July* 5
Read 3° * *July* 8
l. Read 1ª * (*Marquess of Lansdowne*) *July* 9 (No. 201)

Drainage and Improvement of Lands (Ireland) Supplemental (No. 3) Bill
(*Mr. William Henry Gladstone, Mr. Baxter*)
c. Ordered; read 1° * *July* 23 [Bill 265]
Read 2° * *July* 24
Committee *; Report *July* 25
Read 3° * *July* 26

Duchy of Lancaster—Office of Chancellor of the
Question, Mr. Assheton Cross; Answer, Mr. Gladstone *July* 25, 1753

DUFF, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
India—Questions, &c.
  Army—Soldiers—Ball Ammunition, Issue of, 1362
  Bank of Bengal, 288
  Bengal Police, 1369
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DUFF, Mr. R. W., *Banffshire*
Education (Scotland), 3R. 304

DUNSANY, Lord
Inclosure Law Amendment, Comm. *cl.* 3, Amendt. 1505
Ireland—Galway Election, 868, 869
  State of—Recent County Elections, 91
Mines (Coal) Regulation, Comm. *cl.* 4, 1875
Navy — Staff Commanders and Navigating Lieutenants, 164
Parliamentary and Municipal Elections, Commons Amendts. 782

Durham Church Leaseholds
Observations, Question, Mr. Stevenson; Reply, Mr. Bruce *July* 12, 1117

DYNEVOR, Lord
Church of England Fire Insurance, Comm. 278
Limited Owners Improvements, 2R. 15

East India (Bengal, &c.) Annuity Funds Bill (*Mr. Grant Duff, Mr. Ayrton*)
c. Bill withdrawn * *June* 27

EASTWICK, Mr. E. B., *Penryn, &c.*
Egypt—Judicial Reforms, Motion for Papers, 735
Fiji Islands, Motion for an Address, 199
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EASTWICK, Mr. E. B.—*cont.*
Mayo, Countess of—Queen's Message considered, 1570, 1578
Persia, Diplomatic Relations with, 1083
Russia—Caucasus, Murders in the, 287
Trinity House—Beazeley, Mr., Dismissal of, 1887

Ecclesiastical Commission—Charges of Management
Question, Mr. Salt; Answer, Sir Thomas Acland *July* 4, 630

Ecclesiastical Dilapidations Act (1871) Amendment Bill [H.L.]
(*Lord Egerton*)
l. Presented; read 1ª * *July* 15 (No. 211)
Bill read 2ª, after short debate *July* 18, 1351
Committee * *July* 19 (No. 233)
Report * *July* 22
Read 3ª * *July* 23
c. Read 1° * (*Mr. Monk*) *July* 23 [Bill 269]
Read 2° * *July* 25
Committee *; Report *July* 26

Edinburgh, Sanitary Condition of
Moved, "That there be laid before the House the last Return submitted by the Town Council of Edinburgh by the Burgh engineer" (*Lord Kinnaird*) *July* 19, 1412; after short debate, Motion agreed to

EDUCATION
Children passed in Extra Subjects, Question, Mr. Mundella; Answer, Mr. W. E. Forster *July* 25, 1751
Endowed Schools Act (1869) — *Continuance*, Question, Mr. Salt; Answer, Mr. W. E. Forster *June* 28, 340
Increased Allowance to Irish School Teachers, Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington *June* 21, 20
Teachers of Parliamentary Schools (*Scotland*), Question, Mr. Cameron; Answer, The Lord Advocate *July* 1, 425
Teachers under the Local Government Board, Question, Mr. Reed; Answer, Mr. W. E. Forster *July* 11, 946

Elementary Education Act
School Board Districts, Question, Mr. Wheelhouse; Answer, Mr. W. E. Forster *July* 25, 1756
Section 23—School Boards, Question, Mr. Serjeant Simon; Answer, Mr. W. E. Forster *July* 11, 956
The New Code, 1871—*Elementary Schools—Time Tables*, Question, Mr. Mundella; Answer, Mr. W. E. Forster *July* 18, 1360

Elementary Education—Revised New Code (1871)
Amendt. on Committee of Supply *July* 19, To leave out from "That," and add "in the opinion of this House, it is desirable to modify the new code of regulations issued by the Committee of the Privy Council, in such a manner as to give more encouragement to the [*cont.*

Elementary Education—Revised New Code (1871)—cont.
teaching of history, geography, elementary social economy, and the other so-called extra subjects, in the Elementary Schools of the Country" (*Sir John Lubbock*) *v.*, 1454; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Elementary School Teachers
Amendt. on Committee of Supply *July* 19, To leave out from "That," and add "in the opinion of this House it is desirable to reconsider the Grants for Public Elementary Education, so as to encourage the establishment of Undenominational Normal Schools" (*Mr. B. Samuelson*) *v.*, 1430; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Endowed Schools Commissioners—Scheme for Hughes' Charity, Beaumaris
Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the better management of the Charity of David Hughes, founded A.D. 1609, at Beaumaris in the county of Anglesey (*Bishop of Bagnor*) *July* 26, 1857; after short debate, on Question? Cont. 64, Not-Cont. 50; M. 14; resolved in the affirmative

Endowed Schools Commissioners—School at Felstead
Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the school at Felstead in the county of Essex (*Bishop of Rochester*) *July* 26; on Question, agreed to

Endowed Schools Commissioners—School at Tideswell
Moved, That an humble Address be presented to Her Majesty, praying Her Majesty to refuse Her assent to the scheme of the Endowed Schools Commissioners for the management of the school at Tideswell in the county of Derby (*Marquess of Salisbury*) *July* 26; on Question, agreed to

Education Rate Apportionment Bill
(*Mr. Magniac, Captain Egerton, Mr. Rathbone, Mr. Henry Robert Brand*)
c. Ordered; read 1° * *July* 10 [Bill 239]

Education (Scotland) Bill
(*The Lord Advocate, Mr. Secretary Bruce, Mr. William Edward Forster*)
c. Committee (*on re-comm.*); Report *June* 21, 22 [Bill 31]
Considered *June* 25, 168 [Bill 204]
Bill read 3°, after short debate *June* 27, 303 [Bill 210]
[*cont*

Education (Scotland) Bill—cont.
c. Teachers of Parliamentary Schools (Scotland), Question, Mr. Cameron; Answer, The Lord Advocate *July* 1, 425
l. Read 1ª* (*Duke of Argyll*) *June* 28 (No. 183)
Bill read 2ª, after debate *July* 5, 674
Order of the Day for the House to be put into a Committee, read *July* 12, 1012; Committee, after short debate
Report *July* 16, 1224 (No. 210)
Read 3ª, and passed *July* 18, 1351 (No. 222)
c. Question, Mr. Gordon; Answer, Mr. Gladstone *July* 23, 1625

EDWARDS, Mr. H., *Weymouth*
Navy — Portland Breakwater, Opening of, 1518

EGERTON, Lord
Army Regulation Act, 36
Church of England Fire Insurance, Comm. 276, 277
Ecclesiastical Dilapidations Act (1871) Amendment, 2R. 1351

EGERTON, Hon. A. F., *Lancashire, S.E.*
Army — Yeomanry — Musketry Instructors, 1040
Mines (Coal) Regulation, Comm. *cl.* 25, 325; *cl.* 42, 497; Consid. *cl.* 45, 1009

Egypt—Judicial Reforms
Question, Observations, Mr. Baillie Cochrane; Reply, Viscount Enfield; short debate thereon *July* 5, 753

ELCHO, Lord, *Haddingtonshire*
Army—Autumn Manœuvres—Volunteers, 639
  Brighton Review on Easter Monday, 703
  Tribe, Lieutenant, Case of, Notice of Motion, 77
Army Estimates—Army Reserve Force, 1521
  Control Establishments, Wages, &c. 1548, 1552
  Warlike Stores, 1554, 1555, 1558
Army Reserve Force, 154
Burlington House, 459
Criminal Law Amendment Act (1871) Amendment, 2R. Motion for Adjournment, 751
Mines (Coal) Regulation, Comm. 28; *cl.* 4, 34, 40; *cl.* 14, 184, 185; *cl.* 16, 308, 313; *cl.* 19, 316; *cl.* 24, 317; *cl.* 25, 327; *cl.* 29, 329; *cl.* 42, 500; *cl.* 45, 503; *cl.* 47, 507; *cl.* 48, 522, 648, 662; *cl.* 58, 663; *add. cl.* 712, 714; Preamble, 716; Consid. *add. cl.* 878, 881; *cl.* 14, 1006; *cl.* 24, 1008; *cl.* 45, 1009; 3R. 1278, 1279
Supply—Harbours, &c. 470
  Houses of Parliament, 443, 445, 448
  Militia Pay and Allowances, 123, 125
  Natural History Museum, 737, 742, 743
  New Offices in Downing Street, 454, 456
  Post Office and Inland Revenue Buildings, 460
  Surveys of the United Kingdom, &c. 464, 467
  Volunteer Corps, 142, 149, 153
  Yeomanry Cavalry, 128
Thames Embankment (Land), Comm. 1587

Elementary Education Act (1870) Amendment Bill (*Lord Lyttelton*)
l. Read 2ª* *June* 25 (No. 126)
Committee*; Report *July* 1
Read 3ª* *July* 5
Royal Assent *July* 18 [35 & 36 *Vict.* c. 27]

Elementary Education Elections Bill—[See title *School Boards Bill*]

Elementary Education (Elections) Bill [H.L.] (*Lord President*)
l. Presented; read 1ª* *July* 19 (No. 231)
Moved, "That the Bill be now read 2ª," *July* 23, 1601
Amendt. to leave out ("now") and insert ("this day three months") (*Marquess of Salisbury*); after short debate, on Question, That ("now,") &c.; Cont. 42, Not-Cont. 46; M. 4; resolved in the negative; and Bill to be read 2ª this day three months

Elementary Education Elections (No. 2) Bill [H.L.] (*Lord President*)
l. Presented; read 1ª* *July* 23 (No. 240)
Bill read 2ª *July* 25, 1744
Committee*; Report *July* 26

Elementary Education (Provisional Order Confirmation) Bill (*Lord President*)
l. Read 2ª* *June* 21 (No. 148)
Committee*; Report *June* 24
Read 3ª* *June* 25
Royal Assent *June* 27 [35 & 36 *Vict.* c. lxv]

Elementary Education (School Board Loans) Bill—*Afterwards* **Public Works Commissioners (School Boards Loans) Bill**
(*Mr. Bonham-Carter, Mr. William Edward Forster, Mr. Baxter*)
c. Considered in Committee* *July* 17
Bill ordered* *July* 18
Read 1°* *July* 22 [Bill 266]
Read 2°* *July* 26

ELLENBOROUGH, Earl of
Army — Purchase and the Scientific Corps, Queen's Answer to Address, 274

ELLICE, Mr. E., *St. Andrews, &c.*
Education (Scotland), Comm. 24
Mines (Coal) Regulation, Comm. *cl.* 24, Amendt. 318, 319

ELLIOT, Mr. G., *Durham, N.*
Mines (Coal) Regulation, Comm. *cl.* 7, 42; *cl.* 16, 312; *cl.* 19, 316; *cl.* 24, 317; *cl.* 25, 323, 327; *cl.* 48, Amendt. 508, 525, 526; Amendt. 640; Amendt. 643, 647, 651; Amendt. 653; *add. cl.* 713; Consid. *add. cl.* 878, 881; *cl.* 24, 1008

ELPHINSTONE, Lord
Navy—Gunnery Experiments—H.M.S. "Hotspur" and "Glatton," 281, 282
Staff Commanders and Navigating Lieutenants, 163

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Cattle Plague, 1415
Education (Scotland), Comm. 23; Consid. *cl.* 69, 178; 3R. 303
Fiji Islands, Motion for an Address, 204
Intoxicating Liquor (Licensing), Comm. *cl.* 14, 1909
Navy Estimates—Admiralty Office, 1161, 1163, 1199
Parliamentary and Municipal Elections, Lords Amendts. 1058

ENFIELD, Viscount (Under Secretary of State for Foreign Affairs), *Middlesex*
Brazil—British Claims against, 428
Copyright, International, 1128
Egypt—Judicial Reforms, Motion for Papers, 731
France — Deportation of Political Prisoners, 953, 1622
Metrical System—International Commission on the, 1366
Persia, Relations with, Res. 1102
Rome—Vatican, Diplomatic Relations with, 1758
Russia—Caucasus, Murders in the, 287
South Pacific Islands—Samoan or Navigators Islands, 638
Spain—Slavery in Cuba, 797
Suez Canal—Increase of Tonnage Dues, 101, 428
Supply—Report, 856
Turkey—Treaty Arrangements with, 1146

Epping Forest Bill [H.L.]
c. Read 1°* *June* 21, and referred to the Examiners of Petitions for Private Bills [Bill 208]
Read 2°*, and committed to a Select Committee *July* 2
Report of Select Committee* *July* 15 [No. 306]
Bill reported * *July* 15
Committee* (*on re-comm.*); Report *July* 19

ERSKINE, Admiral J. E., *Stirlingshire*
Fiji Islands, Motion for an Address, 197
South Pacific Islands—Samoan or Navigators Islands, 637

EWING, Mr. A. Orr, *Dumbarton*
Education (Scotland), Comm. 22; Consid. *cl.* 58, 169; *cl.* 66, 171; *cl.* 68, 177; *cl.* 69, 178

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

Expiring Laws Continuance Bill
(*Mr. Baxter, Mr. William Henry Gladstone*)
c. Ordered; read 1°* *July* 11 [Bill 244]

EYKYN, Mr. R., *Windsor*
Army Estimates — Control Establishments, Wages, &c. 1540
Army Reserve Force, 1887
Criminal Law—"Tichborne v. Lushington"—Prosecution, &c. 1138
Marriage with a Deceased Wife's Sister, 431
Metropolitan Police, 791
Public Health, Comm. *cl.* 13, 1393

Eyre, Mr., Late Governor of Jamaica—Payment of Legal Expenses
Personal Explanation, Mr. Bowring *July* 25, 1760
Supply—Civil Service Estimates July 8, 798

Factories (Steam Whistles) Bill
(*Mr. Francis Sharp Powell, Lord Frederick Cavendish, Mr. Clare Read, Major Waterhouse, Colonel Gray, Mr. Charley*)
c. Ordered; read 1°* *July* 19 [Bill 263]
Read 2°* *July* 22
Committee*; Report *July* 23
Read 3°* *July* 25
l. Read 1ª* (*Lord Redesdale*) *July* 26 (No. 252)

Farm Buildings (Scotland) Bill
(*Mr. Fordyce, Mr. M'Combie*)
c. Ordered; read 1°* *July* 5 [Bill 231]

FAWCETT, Mr. H., *Brighton*
Ireland—Galway Election Petition, Res. 1852
Judicial Organization—Report of Committee, Res. 1938
Law Officers (England) Fees, 3R. Amendt. 1855
Law Officers Expenses, 1762
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Mines (Coal) Regulation, Comm. *cl.* 14, 186; *cl.* 16, 309, 314
Supply—Post Office Packet Service, 155

Fenianism
Question, Explanation, Lord Oranmore and Browne; Reply, The Earl of Kimberley *July* 1, 420

FIELDEN, Mr. J., *Yorkshire, W.R., E. Div.*
Sale of Liquors on Sunday, 2R. Amendt. 605, 608

Fiji Islands, The
Observations, Question, The Earl of Belmore; Reply, The Earl of Kimberley; short debate thereon *July* 24, 81
Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to establish a British Protectorate at Fiji" (*Mr. M'Arthur*) *June* 25, 192; after debate, Motion withdrawn
Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration

[*cont.*

Fiji Islands, The—cont.
the propriety of establishing a Protectorate at Fiji, or of annexing those Islands, provided that this may be effected with the consent of the inhabitants" (*Mr. M‘Arthur*); after further short debate, Question put; A. 84, N. 135; M. 51

Fires (*re-committed*) **Bill** (*Mr. M‘Lagan, Mr. Charles Turner, Mr. Agar-Ellis*)
c. Bill withdrawn * *July* 15 [Bill 199]

Fitzmaurice, Lord E. G., *Calne*
Elementary Education — Revised New Code (1871), Res. 1468

Fletcher, Mr. I., *Cockermouth*
Mines (Coal) Regulation, Comm. *cl.* 4, 31; *cl.* 16, 314; *cl.* 11, 1005

Forster, Mr. C., *Walsall*
Parliament—Breach of Privilege, 1624, 1752
Public Petitions, 1511

Forster, Right Hon. W. E. (Vice President of the Committee of Council on Education), *Bradford*
Cattle Plague, 1415
Contagious Diseases (Animals) Prevention Act—Carcases of Animals, 286;—Foot and Mouth Disease, 1126, 1367
Importation of Foreign Cattle—from Russia, 1755, 1756;—Schleswig-Holstein, 703
Education—Questions, &c.
Children Passed in Extra Subjects, 1751
Elementary Schools—Time Tables, 1361
Endowed Schools Act (1869), 340
Local Government Board, Teachers under the, 946
Education—Elementary School Teachers, Res. 1439
Education (Scotland), Comm. 24
Elementary Education Act — Section 33—School Boards, 956, 1756
Elementary Education — Revised New Code (1871), Res. 1463, 1468, 1469, 1470
Monastic and Conventual Institutions Commission, 2R. 259
Parliament—Public Business, 1144
Parliamentary and Municipal Elections, Lords Amendts. 347; Amendt. 348, 363; *cl.* 2, Amendt. 367, 372; Amendt. 373, 374; *cl.* 6, 375, 377, 378; Amendt. 379; *cl.* 33, Amendt. 472, 475, 481; Amendt. *ib.*; Amendt. 484, 1043, 1049; *cl.* 6, Amendt. 1058; *cl.* 25, Amendt. 1059; *cl.* 33, *ib.*, 1063, 1064, 1066
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Supply—Public Education in Great Britain, 1443, 1452
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Fortescue, Earl
Inclosure Law Amendment, 2R. 492, 493
Parliamentary and Municipal Elections, 3R. 159, 161

Fortescue, Right Hon. Chichester S. (President of the Board of Trade), *Louth Co.*
Coal, Export of, 1515
Gas Companies, Metropolitan, 794
Ireland—Lighthouses for Lough Swilly, 632
Parliament—Private Legislation, Res. 629
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Water Supply (Metropolis), 1242;—Bermondsey, 284, 346, 956

Fothergill, Mr. R., *Merthyr Tydvil*
Intoxicating Liquor (Licensing), Comm. *cl.* 7, 1681; *cl.* 9, 1686, 1691; *cl.* 12, 1694; *cl.* 13, 1703; *cl.* 14, 1889, 1893, 1904; *cl.* 19, 1916
Mines (Coal) Regulation, Comm. *cl.* 4, 34, 37; *cl.* 7, 42; *cl.* 13, Amendt. 182; *cl.* 14, 188; *cl.* 16, 305; *cl.* 24, 317; *cl.* 25, 323; *cl.* 42, 499; *cl.* 47, 507; *cl.* 48, 509, 641, 643, 647, 648; *cl.* 68, Amendt. 666; *add. cl.* 708, 713; Consid. *add. cl.* 876, 879, 881, 885; *cl.* 6, 887

Fowler, Mr. R. N., *Penryn, &c.*
Cape Colony—Responsible Government, 1753
Capital Punishment Abolition, 2R. 1713
Church Seats, Comm. 1292; *cl.* 3, 1296
Colonial Governors Pensions, 2R. 80; Comm. *cl.* 4, 335
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1690; *cl.* 13, 1705; *cl.* 14, 1901; *cl.* 24, 1959
Metalliferous Mines Regulation, Comm. *cl.* 9, 722
Municipal Corporations (Wards), 3R. 747; Amendt. 748
Parliament—Counts Out, Res. 1472
Public Health, Comm. 1078
Sale of Liquors on Sunday, 2R. 611
Supply—Customs Department, 747
Eyre's, Ex-Governor, Costs, 826
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France—Deportation of Political Prisoners
Observations, The Marquess of Clanricarde, The Earl of Malmesbury; Reply, Earl Granville *June* 28, 336; Question, Mr. Dodson; Answer, Viscount Enfield *July* 11, 952; Questions, Mr. Dodson, Sir Robert Peel; Answers, Viscount Enfield, Mr. Gladstone; short debate thereon *July* 23, 1621

Galashiels Jurisdiction Act Amendment Bill (*The Lord Advocate, Mr. Adam*)
c. Ordered; read 1° * *July* 4 [Bill 225]
Read 2° * *July* 11
Committee *; Report *July* 15
Read 3° * *July* 16
l. Read 1ª * (*Earl of Morley*) *July* 16 (No. 226)
Read 2ª * *July* 25
Committee *; Report *July* 26

Galway, Viscount, *Retford* (*East*)
Mines (Coal) Regulation, Comm. *cl.* 45, 503; Consid. *cl.* 6, 889

Garlies, Lord, *Wigtonshire*
Supply—Militia Pay and Allowances, 126

General Police and Improvement (Scotland) Act 1862 Amendment Bill
(*The Lord Advocate, Mr. Adam*)
c. Ordered; read 1° * *July* 15 [Bill 250]
Read 2° * *July* 18
Committee *—r.p. *July* 22
Committee *; Report *July* 23
Considered * *July* 25

General Police and Improvement (Scotland) Supplemental Bill
(*The Lord Advocate, Mr. Adam*)
c. Ordered; read 1° * *July* 14 [Bill 238]
Read 2° * *July* 15
Committee *; Report *July* 23
Considered * *July* 24
Read 3° * *July* 25
l. Read 1ª * (*Earl of Morley*) *July* 26 (No. 253)

Gilpin, Colonel R. T., *Bedfordshire*
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1689; Motion for reporting Progress, 1697, 1698
Military Forces Localisation (Expenses), 2R. 1651
Supply—Militia Pay and Allowances, 113

Gilpin, Mr. C., *Northampton Bo.*
Capital Punishment Abolition, 2R. 1707, 1731, 1741
Supply—Eyre's, Ex-Governor, Costs, 815

Gladstone, Right Hon. W. E. (First Lord of the Treasury), *Greenwich*
Cambridge University—University Tests Act, 638
Canada, Dominion of—Defence of the Country, 1365
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Intercolonial Tariffs, 1145
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1698; *cl.* 22, 1919
Ireland—Questions, &c.
  Galway Election Petition, 46, 289, 290, 340, 634, 635, 787, 788, 1037, 1038, 1145, 1150, 1370, 1371, 1372, 1633, 1635, 1761, 1854, 1855
  Leitrim, Lord Lieutenancy of — Earl of Granard, 1368, 1518
  Royal Residence, 1360
  Threatening Letters, 1039
Judicial Organization—Report of Committee, Res. 1946
Law Officers of the Crown, Res. 73
Marriage with a Deceased Wife's Sister, 431
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Gladstone, Right Hon. W. E.—*cont.*
Mayo, Countess of—Message from the Queen, 1417; Considered, 1575
Military Forces Localisation (Expenses), 2R. 1644, 1648
Navy Estimates—Admiralty Office, 1155, 1157, 1163, 1164
Oxford University (Colleges), Res. 220
Parliament — Business of the House, 1043, 1138, 1142, 1143, 1144, 1372; Res. 1417, 1424, 1429, 1953
  Conduct of Business, 106, 107
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Property and Revenues of the Church of England, Address for a Royal Commission, 572
Public Health, 345; Comm. *cl.* 39, 1402; *cl.* 41, Amendt. 1495
Scotland—Arbroath Harbour Loan, 105
Supply—Eyre's, Ex-Governor, Costs, 845
  Post Office Packet Service, 155
  Royal Palaces, 432
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Goldney, Mr. G., *Chippenham*
Intoxicating Liquor (Licensing), 2R. 987; Comm. *cl.* 12, 1695; *cl.* 14, 1891; *cl.* 24, 1980
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Poor Law, Comm. 1258
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Grand Juries (Ireland) Bill
(*Marquess of Hartington, Mr. Attorney General for Ireland*)
c. Ordered; read 1°* *July* 4 [Bill 226]
Read 2°* *July* 11
Committee*; Report *July* 15
Read 3°* *July* 16
l. Read 1ª*(*Marquess of Lansdowne*) *July* 16
Read 2ª* *July* 23 (No. 225)
Committee*; Report *July* 25
Read 3ª* *July* 26
Royal Assent *August* 6 [35 & 36 *Vict.* c. 42]

Grand Juries (Middlesex) Bill
(*Mr. William Henry Smith, Mr. Russell Gurney, Lord George Hamilton*)
c. Ordered; read 1°* *July* 8 [Bill 235]
Read 2°* *July* 15
Committee*; Report *July* 17
Read 3°* *July* 19
l. Read 1ª*(*Lord Cairns*) *July* 22 (No. 235)
Read 2ª* *July* 23
Committee* *July* 25
Report* *July* 26

Grand Jury Presentments (Ireland) Bill
(*Marquess of Hartington, Mr. Attorney General for Ireland*)
c. Bill withdrawn* *July* 15 [Bill 73]

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Greenwich Hospital Bill
(*Mr. Shaw Lefevre, Mr. Goschen*)
c. Ordered; read 1°* *July* 15 [Bill 253]
Read 2°* *July* 22
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Church Seats, Comm. 1293
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Hope, Mr. A. J. Beresford, *Cambridge University*
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Hunt, Right Hon. G. W., *Northamptonshire, N.*
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Imprisonment for Small Debts
Question, Mr. M. T. Bass; Answer, Mr. Gladstone *July* 22, 1517

Inclosure Law Amendment Bill [H.L.]
(*Earl of Morley*)
l. Presented; read 1ª * *June* 21 (No. 169)
Bill read 2ª, after short debate *July* 2, 486
Committee *July* 11, 935
Report *July* 16, 1217 (No. 204)
Order of the Day for the House to be put into Committee (*on re-comm.*) read *July* 22, 1505
Committee, after short debate; an Amendt. made (No. 221)
Order of the Day for receiving the Report of the Amendt. read *July* 26, 1864 (No. 238)
Moved, That the said Report be now received
Amendt. to leave out ("now,") and insert ("this day three months") (*Duke of Northumberland*); after short debate, on Question, That ("now,") &c.; Cont. 53, Not-Cont. 65; M. 12; resolved in the negative, and Report to be received this day three months

Income Tax Collection (Public Departments) Bill
(*Mr. Baxter, Mr. William Henry Gladstone*)
c. Ordered; read 1° * *July* 11 [Bill 243]
Read 2° * *July* 15
Bill withdrawn * *July* 22

India
Bank of Bengal, Question, Mr. M'Arthur; Answer, Mr. Grant Duff *June* 27, 288
Bengal Police—Inspectorships, Question, Mr. Eastwick; Answer, Mr. Grant Duff *July* 18, 1369
Indian Mutiny—The Ex-Royal Family of Delhi, Petition of Mirza Ali Kadir presented (*The Earl of Derby*) *July* 18, 1352; after short debate, Petition to lie on the Table
The Indian Budget, Question, Sir Stafford Northcote; Answer, Mr. Grant Duff *July* 11, 947

India—Kirwee Prize Money
Moved that an humble Address be presented to Her Majesty in the matter of the Kirwee Booty, praying Her Majesty to refer the questions in dispute between the troops entitled to the prize money and the Indian Department to the cognizance of a judicial tribunal, under the provisions of the Act 3d & 4th Vict. cap. 65. sect. 22. or of the Act 3d & 4th Will. IV. cap. 41. sect. 4., and in accordance with the unanimous views expressed by the Royal Commissioners on Army Prize in the 7th paragraph of their Report dated 3d May 1864 (*Earl of Harrowby*) *July* 19, 1404; after short debate, Motion withdrawn

Infant Life Protection Bill
(*Earl of Shaftesbury*)
l. Report of Select Comm. * *July* 4 [No. 188]
Bill reported * *July* 4 (No. 118)
Committee * *July* 5 (No. 187)
Report * *July* 8
Read 3ª * *July* 9
Royal Assent *July* 25 [35 & 36 *Vict.* c. 38]

International Copyright
Question, Mr. Macfie; Answer, Viscount Enfield *July* 15, 1128

Intoxicating Liquor (Licensing) Bill
(*Mr. Secretary Bruce*)
c. Bill read 2°, after long debate *July* 11, 957
Section 28, Question, Mr. Wheelhouse; Answer, Mr. Bruce *July* 18, 1363
Committee, after short debate *July* 23, 1674
Clause 1 (Short title) agreed to
Clause 2 (Extent of Act), 1674
Illicit Sales
Clause 3 (Prohibition of sale of intoxicating liquors without license) agreed to
Clause 4 (Occupier of unlicensed premises liable for sale of liquor) agreed to
Clause 5 (Seller liable for drinking on premises contrary to license), 1675
Clause 6 (Evasion of law as to drinking on premises contrary to license), 1678
[*cont.*

Intoxicating Liquor (Licensing) Bill—cont.
Clause 7 (Sale of spirits to children. See 2 & 3 *Vict.*, c. 47, s. 43), 1678
Clause 8 (Sale to be by standard measure) agreed to
Clause 9 (Internal communication between licensed premises and house of public resort), 1682
Clause 10 (Illicit storing of liquor) agreed to
Clause 11 (Publication of names of licensed persons) agreed to

Offences against Public Order
Clause 12 (Penalty on persons found drunk), 1686
Clause 13 (Penalty for permitting drunkenness), 1701; Committee—R.P.

Committee *July* 26, 1888
Clause 14 (Penalty for keeping disorderly house)
Clause 15 (Penalty for permitting premises to be a brothel), 1909
Clause 16 (Penalty for harbouring constable), 1911
Clause 17 (Penalty for permitting gaming), 1912
Clause 18 (Power to exclude drunkards from licensed premises), 1912

Adulteration
Clause 19 (Adulteration of intoxicating liquor), 1913
Clause 20 (Possession of adulterated liquor or deleterious ingredients) agreed to
Clause 21 (Schedule of deleterious ingredients), 1917
Clause 22 (Analysis of intoxicating liquors), 1918
Moved, "That Progress be reported" (*Mr. Bruce*); Motion agreed to; Committee—R.P.

Committee *July* 27, 1954
Clause 22 (Analysis of intoxicating liquor)
Closing Licensed Premises in case of Riot
Clause 23 (Power of Justices to close licensed premises in case of riot), 1955
Clause 24 (Times of closing), 1956; Committee—R.P.

Intoxicating Liquors Law Amendment Bill
(*Sir Robert Anstruther, Sir Harcourt Johnstone, Mr. Thomas Hughes, Mr. Morrison*)
c. Bill withdrawn * *July* 26 [Bill 62]

IRELAND
MISCELLANEOUS QUESTIONS
Case of the Rev. R. O'Keeffe—Parish of Callan, Petition presented (*The Earl of Harrowby*) *July* 18, 1343; after short debate, Petition to lie on the Table
Case of William James Gray, Question, Mr. M'Clure; Answer, The Marquess of Hartington *July* 23, 1625
Irish Constabulary
Appointment of a Commission, Questions, Mr. P. J. Smyth, Mr. Maguire; Answers, The Marquess of Hartington *July* 5, 701
Derry Celebrations—Costs of Colonel Hillier, Question, Captain Archdall; Answer, The Marquess of Hartington *July* 11, 946
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Dublin Metropolitan Police, Question, Mr. Callan; Answer, The Marquess of Hartington *July* 8, 794—*Resignations in the Force*, Questions, Mr. Maguire; Answers, The Marquess of Hartington *July* 11, 955

Irish Fisheries Protection, Question, Viscount St. Lawrence; Answer, The Marquess of Hartington *June* 24, 104
Lighthouses for Lough Swilly, Question, Mr. Conolly; Answer, Mr. Chichester Fortescue *July* 4, 632
National Schools (Ireland), Question, Mr. O'Reilly; Answer, The Marquess of Hartington *July* 17, 1299; *July* 25, 1759
Proclamation of the County of Armagh, Question, Mr. Wingfield Verner; Answer, The Marquess of Hartington *July* 25, 1757
Royal Residence, Question, Mr. Stacpoole; Answer, Mr. Gladstone *July* 18, 1360
State of Ireland—Recent County Elections, Observations, Lord Dunsany; Reply, The Earl of Kimberley; short debate thereon *June* 24, 91
Superannuation Allowances — Valuation Department, Question, The O'Conor Don; Answer, Mr. Baxter *July* 12, 1039
The Antrim Artillery—Lord Massereene, Question, Mr. Maguire; Answer, Mr. Cardwell *July* 26, 1885
The Irish Land Act — Chairmen of Irish Counties (Salaries), Question, Mr. Stacpoole; Answer, The Marquess of Hartington *July* 22, 1513; Question, Mr. Synan; Answer, The Marquess of Hartington, 1519
The Queen's Colleges, Question, Mr. Synan; Answer, The Marquess of Hartington *July* 8, 795
Threatening Letters, Question, Sir Thomas Bateson; Answer, Mr. Gladstone *July* 12, 1038

Ireland—Galway Election Inquiry—Judgment of Mr. Justice Keogh
Letter of the Earl of Granard
Questions, Viscount Crichton, Sir Robert Peel, Sir John Gray, Sir Colman O'Loghlen; Answers, Mr. Gladstone, The Marquess of Hartington, The Attorney General for Ireland *June* 28, 340; Observations, Viscount Midleton; Reply, Earl Spencer; short debate thereon *July* 9, 859; Explanation, The Earl of Granard *July* 22, 1498
Lord Lieutenancy of Leitrim, Question, Sir Thomas Bateson; Answer, Mr. Gladstone *July* 18, 1368; Question, Mr. Kavanagh; Answer, Mr. Gladstone *July* 22, 1518

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Kerry Militia—Charge of Mr. Baron Deasy, Question, Mr. Kavanagh; Answer, Mr. Cardwell *July* 25, 1748
Mr. Justice Keogh burnt in Effigy, Question, Sir Thomas Bateson; Answer, Mr. Gladstone *July* 8, 786; Questions, Lord Claud Hamilton, Mr. Mitchell Henry; Answer, The Marquess of Hartington *July* 11, 951; Question, Colonel Stuart Knox; Answer, Mr. Cardwell *July* 15, 1125
The Irish Press and Mr. Justice Keogh, Questions, Mr. O'Neill, Lord Claud John Hamil-
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Ireland—Galway Election Inquiry—Judgment of Mr. Justice Keogh—cont.
ton; Answers, Mr. Gladstone, The Attorney General for Ireland *July* 15, 1145—"*The Freeman's Journal*," Question, Colonel Stuart Knox; Answer, The Attorney General for Ireland *July* 25, 1759
The Mayor of Drogheda, Questions, Mr. Whitworth, Colonel Stuart Knox; Answers, The Attorney General for Ireland *July* 5, 702

Proceedings of Her Majesty's Government on Mr. Justice Keogh's Judgment, Question, Mr. Disraeli; Answer, Mr. Gladstone *July* 15, 1150; Questions, Observations, Mr. Disraeli, Mr. Mitchell Henry; Reply, Mr. Gladstone *July* 18, 1370
Proceedings against Reported Persons, Observations, The Attorney General for Ireland *July* 23, 1626
Moved, "That this House do now adjourn" (*Mr. Mitchell Henry*); after debate, Motion withdrawn

The O'Donoghue's Motion
Notice of Motion, To call attention to the Judgment of Mr. Justice Keogh in the case of the Galway Petition; and to move, That, in the opinion of this House, the Judgment of Mr. Justice Keogh, in the case of the Galway Election Petition, is calculated to degrade the character of the Irish Bench; to expose the purity of the administration of justice in Ireland to just suspicion, and the liberties and franchises of the electors of Ireland to serious peril (*The O'Donoghue*) *July* 4
Questions, Mr. Mitchell Henry, Colonel Wilson Patten, Viscount Crichton; Answers, The O'Donoghue, Mr. Gladstone, Mr. Attorney General for Ireland *July* 4, 633

Mr. Butt's Motion
Notice of Motion (*Mr. Butt*) *June* 24
Question, Mr. Callan; Answer, Mr. Gladstone; short debate thereon *June* 27, 289; Questions, Mr. Mitchell Henry; Answers, Mr. Gladstone *July* 12, 1037; Question, Sir Colman O'Loghlen; Answer, Mr. Gladstone *July* 25, 1761
Moved, "That this House do resolve itself into a Committee of the whole House, to consider the Report of the Address delivered by Mr. Justice Keogh on the occasion of delivering Judgment on the Trial of the Election Petition for the county of Galway, and the complaints that have been made of the partisan and political character of that Judgment and Address" (*Mr. Butt*) *July* 25, 1763
Amendt. to leave out from "House," and add "regrets that Mr. Justice Keogh, when delivering Judgment on the Trial of the Election Petition for the County of Galway, allowed himself to diverge into irrelevant topics, and to make use of intemperate expressions and language inconsistent with the dignity which ought to be maintained by a Judge, and therefore calculated to lower the character of the Courts of Justice in the estimation of the people of Ireland; but, on reviewing the whole circumstances, this House does not think that the case calls for

[*cont.*

Ireland—Galway Election Inquiry—Judgment of Mr. Justice Keogh—cont.
any action with the view to the removal of Mr. Justice Keogh from the Judicial Bench" (*Mr. Pim*) *v.* 1799; Question proposed, "That the words, &c."
After long debate, Moved, "That the Debate be now adjourned" (*Sir Colman O'Loghlen*); after further debate, Question put; A. 59, N. 350; M. 291; Question again proposed; Moved, "That this House do now adjourn" (*Mr. Maguire*); after short debate, Question put, and negatived; Question again proposed; Moved, "That the Debate be now adjourned" (*Sir John Gray*) put, and agreed to; after further short debate, Moved, "That the Debate be adjourned till Monday next" (*Mr. Butt*); Amendt. to leave out "Monday next," and insert "this day" (*Mr. Percy Wyndham*) *v.*; Question put, "That 'Monday next' stand part of the Question;" A. 97, N. 93; M. 4; main Question put, and agreed to
Debate adjourned till Monday next

Suspension of the Rev. Patrick Walsh
Question, Mr. Vance; Answer, The Attorney General for Ireland *July* 15, 1148; *July* 25, 1757

Irish Church Act Amendment
Question, Mr. Kavanagh; Answer, The Marquess of Hartington *July* 18, 1366

Irish Church Act Amendment (No. 2) Bill [H.L.] (*Marquess of Lansdowne*)
l. Presented; read 1ª* *July* 25 (No. 249)

Irish Church Act—Income Tax on Commutations
Question, Mr. Pim; Answer, The Marquess of Hartington *July* 8, 789

JAMES, Mr. H., *Taunton*
Corrupt Practices at Municipal Elections, 640
Criminal Law Amendment Act (1871) Amendment, 2R. 751
Ireland—Galway Election Petition, Res. 1819
Mines (Coal) Regulation, Comm. *cl.* 14, 185; Consid. *add. cl.* 884
Parliamentary and Municipal Elections, Lords Amendts. 369, 379, 1063

JESSEL, Sir G., *see* SOLICITOR GENERAL, The

JOHNSTON, Mr. A., *Essex, S.*
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1987
Spain—Slavery in Cuba, 797
Wild Fowl Protection, Comm. 81; Consid. Schedule, 1298

JOHNSTONE, Sir H., *Scarborough*
Intoxicating Liquor (Licensing), Comm. *cl.* 12, Amendt. 1086, 1087; *cl.* 15, 1911

Joint Stock Banks (Ireland)
Moved, "That, in the opinion of this House, Her Majesty's Government should promote a Bill through Parliament to suspend the operation of the eighth section of the Act 8 and 9 Vic. c. 37, so as to enable additional Joint Stock Banks of Issue to be established in Ireland, until such time as the number, capital, and note circulation of such Banks be equal to that of Scotland proportionately to the population of the two kingdoms when said Act was passed in the year 1845" (*Mr. Delahunty*) *July* 16, 1289; after short debate, Motion withdrawn

Judges Salaries Bill
(*Mr. William Henry Gladstone, Mr. Baxter*)
c. Ordered; read 1° * *July* 11 [Bill 242]
Read 2° * *July* 15
Committee *; Report *July* 19
Read 3° * *July* 22
l. Read 1ª * (*Lord Chancellor*) *July* 23 (No. 242)
Read 2ª * *July* 26

Juries Act Amendment (Ireland) Bill
[H.L.] (*Mr. Attorney General for Ireland*)
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 24, 156
Moved, "That the Debate be now adjourned" (*Mr. Bagwell*); after short debate, Motion withdrawn
Main Question put, and agreed to; Committee; Report [Bill 195]
Considered *; read 3° *June* 25
l. Royal Assent *June* 27 [35 & 36 *Vict.* c. 25]

Juries Bill
(*Mr. Attorney General, Mr. Solicitor General*)
c. Report of Select Comm. * *July* 5 [No. 286]
Bill withdrawn * *July* 15 [Bill 230]

KAVANAGH, Mr. A. M., *Carlow Co.*
Ireland—Kerry Militia, 1748
Leitrim, Lord Lieutenantcy of—Earl of Granard, 1518
Irish Church Act Amendment, 1366
Railways (Ireland), 2R. 1318

KAY-SHUTTLEWORTH, Mr. U. J., *Hastings*
Education—Elementary School Teachers, Res. 1433, 1434, 1435
Elementary Education — Revised New Code (1871), Res. 1468
Mines (Coal) Regulation, Comm. *cl.* 5, Amendt. 41; *cl.* 8, Amendt. 45
Municipal Corporations (Wards), 3R. 750
Water Supply (Metropolis)—Bermondsey, 284, 346, 955

KENNAWAY, Mr. J. H., *Devonshire, E.*
Real Estates (Titles), 2R. 227
Supply—Volunteer Corps, 139

Kensington Station and North and South London Junction Railway Act, 1859 (Repayment of Moneys) Bill (*Mr. Adolphus Young, Mr. Robert Fowler, Mr. Gilpin*)
c. Considered in Committee * *July* 23
Bill ordered; read 1° * *July* 25 [Bill 273]

KIMBERLEY, Earl of (Secretary of State for the Colonies)
Acrobats, Comm. 1503, 1505
Church of England Fire Insurance, Comm. 277
Fenianism, 420
Fiji Islands, 89
Inclosure Law Amendment, 2R. 493; Comm. *cl.* 3, 937; *cl.* 6, 940; *cl.* 7, 941; Report, *cl.* 3, 1217, 1220; *add. cl.* 1223; Re-comm. *cl.* 3, 1506; *add. cl.* 1510
Ireland—Galway Election, 861
State of—Recent County Elections, 94, 96, 97
Parliamentary and Municipal Elections, Report, *add. cl.* 17
Treaty of Washington, 2R. 942, 945
Wild Birds Protection, 2R. 1884

KINNAIRD, Lord
Inclosure Law Amendment, Report, 1865
Masters and Workmen (Arbitration), 2R. 1604
Mines (Coal) Regulation, Comm. *cl.* 4, 1874
Sanitary Condition of Edinburgh, Motion for a Return, 1412

KINNAIRD, Hon. A. F., *Perth*
Education (Scotland), Comm. *cl.* 1, 1018; *cl.* 50, 1025; *cl.* 52, Amendt. 1027; *cl.* 65, 1030; *cl.* 74, Amendt. 1032; Report, *cl.* 66, 1227
Fiji Islands, Motion for an Address, 213, 219
Parliament—Conduct of Business, 107
Persia, Relations with, Res. 1115
Supply—Martial Law, Report, 191

KNATCHBULL-HUGESSEN, Mr. E. H. (Under Secretary of State for the Colonies), *Sandwich*
Cape Colony—Responsible Government, 1753
Colonial Governors Pensions, 2R. 78, 80; Comm. *cl.* 3, 333, 334; *cl.* 4, *ib.*
Fiji Islands, Motion for an Address, 205
West Indies—Leeward Islands, Government of the, 1515

KNIGHT, Mr. F. W., *Worcestershire, W.*
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1700

KNIGHTLEY, Sir R., *Northamptonshire, S.*
Parliamentary and Municipal Elections, Lords Amendts. 377, 1050

KNOX, Hon. Colonel W. Stuart, *Dungannon*
Ireland—Galway Election—Mayor of Drogheda, 701;—Mr. Justice Keogh, 1125;—"Freeman's Journal," 1759
Parliament—Public Business, 1144
Proportional Representation, 2R. Previous Question moved, 926
Supply—Militia Pay and Allowances, 126

Laird, Mr. J., *Birkenhead*
Navy—Experimental Gunnery, 948

Lancaster, Mr. J., *Wigan*
Mines (Coal) Regulation, Comm. *cl.* 16, 313; *cl.* 24, 317; *cl.* 42, 497; *cl.* 48, 509, 644; Amendt. 645, 647

Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2) Bill
(*Marquess of Hartington, Mr. Attorney General for Ireland*)
c. Committee*; Report; Considered *June* 21
Read 3°* *June* 24 [Bill 124]
l. Read 1ª* (*Marquess of Lansdowne*) *June* 25
Bill read 2ª, after short debate *June* 27, 275 (No. 172)
Committee*; Report *June* 28
Read 3ª, and passed *July* 1, 422
Royal Assent *July* 18 [35 & 36 *Vict.* c. 32]

Land Rights and Deeds (Scotland) Bill
(*Mr. Gordon, Mr. Charles Dalrymple, Sir Graham Montgomery*)
c. Bill withdrawn* *July* 17 [Bill 103]

Land Transfer (Scotland) Bill
(*The Lord Advocate, Mr. Adam*)
c. Bill withdrawn* *July* 15 [Bill 89]

Lansdowne, Marquess of (Under Secretary of State for the War Department)
Army—Autumn Manœuvres, 1743
Re-organization—Depôt Centres, 670, 672
Army — Purchase and the Scientific Corps, Queen's Answer to Address, 268, 269
Army Regulation Act, 3, 5
Landlord and Tenant (Ireland) Act Amendment, 2R. 275
Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2), 3R. 422
Prisons (Ireland), Comm. *cl.* 8, 98

Larceny Law Amendment Bill
(*Mr. William Henry Gladstone, Mr. Baxter*)
c. Ordered; read 1°* *July* 11 [Bill 241]
Bill withdrawn* *July* 18

Lauderdale, Earl of
Navy — Staff Commanders and Navigating Lieutenants, 161, 166

Law and Justice
Miscellaneous Questions
County Court Judges—Circuit No. 22, Question, Mr. West; Answer, The Attorney General *July* 11, 949
County Courts—Mid-Wales Circuit, Question, Mr. Osborne Morgan; Answer, The Attorney General *July* 4, 637—*Welsh Circuits,* Question, Mr. Osborne Morgan; Answer, The Attorney General *July* 11, 957
[*cont.*

Law and Justice—cont.
Criminal Law Amendment Act (1871)—*Picketing,* Question, Observations, Mr. Vernon Harcourt; Reply, Mr. Gladstone; short debate thereon *July* 15, 1130
Justices of the Peace—Writ of "Dedimus Potestatem," Question, Mr. Hunt; Answer, The Attorney General *July* 22, 1513
Married Women's Property Act, 1870, Question, Mr. Pim; Answer, The Attorney General *July* 15, 1124
Small Debts, Law of Imprisonment for, Question, Mr. M. T. Bass; Answer, Mr. Gladstone *July* 22, 1517

Law and Justice — Judicial Organization —Report of the Judicial Committee
Amendt. on Committee of Supply *July* 26, To leave out from "That," and add "the administration of the Law under the existing system is costly, dilatory, and inefficient; that a competent Commission having reported that the judicial organisation is defective in all its branches, it is desirable that Her Majesty's Government should, in the next Session of Parliament, present to this House a measure for its reform and reconstruction, which, without increasing the public charge, shall provide for the more effectual, speedy, and economical administration of justice" (*Mr. Vernon Harcourt*) *v.*, 1919; Question proposed, "That the words, &c.;" after long debate, Question put; A. 60, N. 45; M. 15

Law and Justice—Law Officers of the Crown
Amendt. on Committee of Supply *June* 21, To leave out from "That," and add "considering the inconvenience which results from there being in Parliament no Minister of Justice or other official who should be able to give his undivided attention to Law Reform, and to the various legal questions affecting the administration of public business, this House is of opinion that it would be inexpedient for the Treasury Minute relating to the remuneration of the Law Officers of the Crown to continue in operation beyond the time when the present Law Officers of the Crown should remain in office" (*Mr. Fawcett*) *v.*, 47; Question proposed, "That the words, &c.;" after debate, Question put; A. 101, N. 24; M. 77

Law Officers (England) Fees Bill
(*Mr. Chancellor of the Exchequer, Mr. Baxter*)
c. Ordered; read 1°* *July* 17 [Bill 257]
Read 2°* *July* 22
Committee*; Report *July* 23
Question, Mr. Fawcett; Answer, The Chancellor of the Exchequer *July* 25, 1762
Moved, "That the Bill be now read 3°" *July* 25, 1855
Amendt. to leave out all the words after the word "be," and add "re-committed" (*Mr. Fawcett*); after short debate, Question put, "That the words, &c.;" A. 87, N. 9; M. 78; main Question put, and agreed to; Bill read 3°
l. Read 1ª* (*Lord Chancellor*) *July* 26 (No. 254)

LAWRENCE, Lord
India—Kirwee Prize Money, Motion for an Address, 1409
Indian Mutiny—Delhi, Ex-Royal Family of, 1357

LAWRENCE, Mr. Alderman W., *London*
Intoxicating Liquor (Licensing), 2R. 1001; Comm. *cl.* 12, Amendt. 1693, 1695; *cl.* 13, 1703, 1705; *cl.* 15, 1911; *cl.* 19, 1914; *cl.* 24, 1988
Mines (Coal) Regulation, Comm. *cl.* 4, 40; *cl.* 16, 311; 3R. 1277
Parliament—Private Legislation, Res. 630
Royal Parks and Gardens—Regulations, 1751
Supply—Houses of Parliament, 438

LAWSON, Sir W., *Carlisle*
Intoxicating Liquor (Licensing), 2R. 974, 983, 989
Military Forces Localisation (Expenses), 2R. 1649, 1673
Parliament—Breach of Privilege, 1624, 1752
Parliamentary and Municipal Elections, Lords Amendts. 473, 474

LEA, Mr. T., *Kidderminster*
Post Office Telegrams, 1127, 1748

LEARMONTH, Colonel A., *Colchester*
Army—Harwich, Camp at, 1886

LEATHAM, Mr. E. A., *Huddersfield*
Parliamentary and Municipal Elections, Lords Amendts. 365
Property and Revenues of the Church of England, Address for a Royal Commission, 540

LEEMAN, Mr. G., *York*
Birmingham Sewerage, 1129
Commons Protection, 2R. 597
Inland Revenue—Railways, 1369
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1977, 1984
Metalliferous Mines Regulation, Comm. *cl.* 9, 722
Mines (Coal) Regulation, Comm. *cl.* 14, 188
Municipal Corporations (Borough Funds), Comm. 1673
Municipal Corporations (Wards), 3R. 750

LENNOX, Lord H. G. C. G., *Chichester*
Navy—Gunnery Experiments—H.M.S. "Hotspur" and "Glatton," 427
Navy Estimates—Admiralty Office, Amendt. 1165, 1169, 1177, 1198

LEWIS, Mr. Harvey, *Marylebone*
Capital Punishment Abolition, 2R. Amendt. 1715
Intoxicating Liquor (Licensing), Comm. *cl.* 5, 1677; *cl.* 7, 1679, 1682; *cl.* 12, 1686, 1693, 1696, 1697, 1699, 1700; *cl.* 14, 1890, 1898; *cl.* 24, 1972, 1988
Public Health, Comm. 1081
Vaccination Acts Amendment, 2R. 931

LEWIS, Mr. J. D., *Devonport*
Navy—Dockyard Artizans (Pay), 1747

LIDDELL, Hon. H. G., *Northumberland, S.*
Metalliferous Mines Regulation, Comm. *add. cl.* 873
Mines (Coal) Regulation, Comm. *cl.* 4, 35; *cl.* 13, 183; *cl.* 14, *ib.*; *cl.* 16, 306; *cl.* 19, 316; *cl.* 24, Amendt. *ib.*, 318; *cl.* 25, Amendt. 319, 327; *cl.* 29, Amendt. 328; *cl.* 42, 498; *cl.* 45, 504; *cl.* 47, 507; *cl.* 48, 515; *add. cl.* 709, 714; Consid. *add. cl.* 875, 882; *cl.* 6, 888; *cl.* 45, 1009
Navy Estimates—Admiralty Office, 1186, 1187
Parliamentary and Municipal Elections, Lords Amendts. 1064

Life Assurance Companies Acts Amendment Bill (*Mr. Arthur Peel*)
c. Committee *; Report *June* 24 [Bill 115]
Considered * *June* 25
Read 3° * *June* 26

LIFFORD, Viscount
Ireland—Galway Election, 870

Limited Owners Improvements Bill [H.L.]
(*Marquess of Salisbury*)
l. Bill read 2ª, after short debate *June* 21, 7 (No. 154)
Order of the Day for the House to be put into Committee, read *July* 9, 857
Moved, "That the Order for Committee be discharged;" Motion agreed to; Order discharged; Bill withdrawn

LINDSAY, Hon. Colonel C. H., *Abingdon*
Army—Depôt Centres—Oxford, 797

LINDSAY, Colonel R. J. Loyd, *Berkshire*
Army—Autumn Manœuvres—Volunteer Regiments, 426, 495, 639
  Auxiliary Forces, 288
  Wimbledon Review, 639
Army Estimates—Works, Buildings, &c. 1559
Military Forces Localisation (Expenses), 2R. 1662
Supply—Militia Pay and Allowances, 112
  Volunteer Corps, Amendt. 129, 132, 151, 153

Loans to Infants Bill
(*Mr. Mitchell Henry, Mr. Headlam, Mr. Scourfield, Mr. Gilpin, Mr. Maguire*)
c. Bill withdrawn * *July* 17 [Bill 107]

Local Courts of Record Bill [H.L.]
(*Lord Redesdale*)
l. Presented; read 1ª * *July* 2 (No. 185)
Read 2ª * *July* 9
Committee *; Report *July* 11
Read 3ª * *July* 12
c. Read 1° * (*Mr. Walpole*) *July* 19 [Bill 259]
Read 2°, * and referred to a Select Comm. *July* 22
Select Committee nominated; List of the Committee *July* 24, 1742
Bill reported * *July* 26 [Bill 276]

Local Government Board (Ireland) Bill (*Marquess of Hartington, Mr. Attorney General for Ireland*)
c. Read 2° * *June* 24 [Bill 90]
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *July* 22, 1587; Motion agreed to; Committee; Report
Considered * *July* 23
Read 3° * *July* 24
l. Read 1ª * (*Marquess of Lansdowne*) *July* 25 (No. 246)

Local Government Supplemental (No. 2) Bill—*Formerly* **Local Government Supplemental (No. 2) and Act (No. 2, 1864) Amendment Bill** (*Earl of Morley*)
l. Committee * *June* 24 (No. 130)
Report * *June* 25
Read 3ª * *June* 27
Royal Assent *July* 18 [35 & 36 *Vict.* c. xcii.]

Local Government Supplemental (No. 3) Bill (*Mr. Hibbert, Mr. Chichester Fortescue*)
c. Ordered; read 1° * *July* 15 [Bill 254]
Read 2° * *July* 19

Local Taxation
Prosecution Expenses, Question, Sir Massey Lopes; Answer, Mr. Bruce *July* 1, 427
Public Health Bill, Question, Mr. Goldsmid; Answer, Mr. Stansfeld *July* 1, 424

Local Taxation Accounts Bill (*Mr. Pell, Sir Massey Lopes, Mr. Clare Read, Mr. Rowland Winn*)
c. Ordered; read 1° * *July* 1 [Bill 220]
Bill withdrawn * *July* 24

LOCKE, Mr. J., *Southwark*
Intoxicating Liquor (Licensing), 2R. 996; Comm. *cl.* 5, Amendt. 1676, 1678; *cl.* 6, Amendt. *ib.*; *cl.* 7, 1681; *cl.* 9, 1683; *cl.* 12, 1693; *cl.* 13, 1702; *cl.* 14, 1891; Amendt. 1900, 1904, 1905; *cl.* 17, Amendt. 1912; *cl.* 19, Amendt. 1914; *cl.* 24, 1957, 1959, 1972, 1986; Amendt. 1989
Parliamentary and Municipal Elections, Lords Amendts. 377
Sale of Liquors on Sunday, 2R. 617
Supply—Houses of Parliament, 446
New Offices in Downing Street, 450
Thames Embankment (Land), Comm. 1585
Tramways (Metropolis), 102

LONDON, Bishop of
Trusts of Benefices and Churches, Report, 416; 3R. 625

LONGFORD, Earl of
Army — Purchase and the Scientific Corps, Queen's Answer to Address, Motion for Adjournment, 267, 269
Brickfields, Motion for a Return, 1745
[*cont.*

LONGFORD, Earl of—*cont.*
India—Kirwee Prize Money, Motion for an Address, 1408
Wild Birds Protection, 2R. 1884

LOPES, Sir Massey, *Devonshire, S.*
Local Taxation — Annual Prosecution Expenses, 427
Public Health, Comm. 1244; *cl.* 41, Amendt. 1495

LOWE, Right Hon. R., *see* CHANCELLOR of the EXCHEQUER

LOWTHER, Mr. J., *York City*
Army—Yeomanry Adjutants, 949, 950, 1363
Birmingham Sewerage, 1136
Education (Scotland), Consid. *cl.* 68, 176; *cl.* 69, 178
Intoxicating Liquor (Licensing), Comm. *cl.* 14, 1896; *cl.* 22, 1919; *cl.* 24, 1979
Mines (Coal) Regulation, Consid. *add. cl.* 881; *cl.* 45, 1009
Municipal Corporations (Wards), 3R. 749
Parliament—Public Business, Res. 1429, 1952
Parliamentary and Municipal Elections, Lords Amendts. 1063
Proportional Representation, 2R. 920

LUBBOCK, Sir J., *Maidstone*
Albert and European Life Assurance Companies, Res. 404
Elementary Education — Revised New Code (1871), Res. 1454, 1465
Mines (Coal) Regulation, Comm. *cl.* 48, 643
Parliament—Public Business, Res. 1428

LUSK, Mr. Alderman A., *Finsbury*
Army Estimates—Works, Buildings, &c. 1569
Mines (Coal) Regulation, Comm. *cl.* 25, 327; Consid. *add. cl.* 881
Supply—Houses of Parliament, 448
New Offices in Downing Street, 452

LYTTELTON, Lord
Education (Scotland), Comm. *cl.* 66, 1031; Report, *cl.* 66, 1235
Endowed Schools Commissioners — Hughes' Charity, Beaumaris, Motion for an Address, 1859

MCARTHUR, Mr. W., *Lambeth*
Fiji Islands, Motion for an Address, 192, 214; Amendt. 218, 219
India—Bank of Bengal, 288
Railways (Ireland), 2R. 1341

MCCLURE, Mr. T., *Belfast*
Ireland—Case of W. J. Gray, 1625

MACFIE, Mr. R. A., *Leith, &c.*
Army Estimates—Works, Buildings, &c. 1563
Copyright, International, 1128
Education (Scotland), Comm. 25
Occasional Sermons, 2R. 257
Supply—Houses of Parliament, 437
Post Office and Inland Revenue Buildings, 460

McLagan, Mr. P., *Linlithgowshire*
Turkey—Treaty Arrangements with, 1146

McLaren, Mr. D., *Edinburgh*
Army Estimates — Control Establishments—Wages, &c. 1546
Education (Scotland), Comm. 24; Consid. *cl.* 6, Amendt. 168; *cl.* 58, Amendt. 169; *cl.* 66, Amendt. 170, 173; *cl.* 68, Amendt. 174, 175; *cl.* 69, Amendt. 177, 179; *cl.* 77, 181; 3R. 304
Railways (Ireland), 2R. 1326
Supply—Glasgow University Buildings, 458
Industrial Museum, Edinburgh, 459
New Offices in Downing Street, 455

Magniac, Mr. C., *St. Ives*
Metalliferous Mines Regulation, Comm. *cl.* 9, Amendt. 717

Maguire, Mr. J. F., *Cork City*
France — Deportation of Political Prisoners, 1622
Ireland—Antrim Artillery—Lord Massereene, 1885
Constabulary Force, 701, 955
Ireland—Galway Election Petition, Res. 1852; Motion for Adjournment, 1854, 1855
Parliament—Public Business, 1143
Railways (Ireland), 2R. 1336, 1340

Malmesbury, Earl of
Army Regulation Act, 5
France — Political Prisoners, Deportation of, 337
Inclosure Law Amendment, Report, *cl.* 3, 1221

Manchester, Duke of
Acrobats, Comm. 1504

Manners, Right Hon. Lord J. J. R., *Leicestershire, N.*
Coal, Export of, 1515
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1697; *cl.* 16, 1912; *cl.* 24, 1974
Parliament—Public Business, Res. 1423
Parliamentary and Municipal Elections, Lords Amendts. 1056, 1064
Supply—Houses of Parliament, 445
New Offices in Downing Street, 450

Marlborough, Duke of
Army Re-organization—Depôt Centres, 672
Inclosure Law Amendment, Report, *cl.* 3, 1221
Parliamentary and Municipal Elections, Comm. Amendt. 765, 781, 782

Marriage with a Deceased Wife's Sister Bill (*Mr. Thomas Chambers, Mr. Morley*)
c. Observations, Mr. Eykyn; Reply, Mr. Gladstone *July* 1, 431
Bill withdrawn * *July* 1 [Bill 14]

Martin, Mr. J., *Meath*
Railways (Ireland), 2R. 1341

Martin, Mr. P. Wykeham, *Rochester*
Intoxicating Liquor (Licensing) Comm. *cl.* 9, 1683
Ireland—Galway Election Petition, Res. 1853
Supply—Volunteer Corps, 140

Master and Servant (Wages) (*re-comm.*) **Bill** (*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Bill withdrawn * *July* 15 [Bill 149]

Masters and Workmen (Arbitration) Bill (*Mr. Mundella, Mr. William Henry Smith, Mr. Morley, Mr. Thomas Brassey, Mr. Thomas Hughes*)
c. Committee *; Report *June* 26 [Bill 123]
Committee * (*on re-comm.*); Report *July* 15 [Bill 213]
Read 3^{o} * *July* 18
l. Read 1^{a} * (*Lord Kinnaird*) *July* 19 (No. 234)
Bill read 2^{a} *July* 23, 1604
Committee *; Report *July* 26

Matthews, Mr. H., *Dungarvan*
Ireland—Galway Election Petition, Res. 1834

Mayo, Countess of
Lords—
Message from the Queen delivered by the Duke of Argyll *July* 19, 1404
Ordered, That the said Message be taken into Consideration on Monday next
Message considered *July* 22, 1499
Moved, "That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Majesty's most gracious Message informing this House, That 'Her Majesty taking into consideration the distinguished services performed by the late Richard Southwell, Earl of Mayo, Her Majesty's Viceroy and Governor-General of India, and the loss of his life in Her service and in the discharge of public duty, and being desirous in recognition of such services and in view of the circumstances of his death to confer some signal mark of Her favour upon his widow, Blanche Julia, Countess of Mayo, recommends it to the House of Lords to concur in enabling Her Majesty to make provision for securing to the Countess of Mayo a pension of one thousand pounds per annum for the term of her natural life;' and to assure Her Majesty that this House will cheerfully concur in such measures as may be necessary for securing to Blanche Julia, Countess of Mayo, a pension of one thousand pounds per annum for the term of her natural life" (*The Duke of Argyll*); after short debate, Address agreed to, Nemine Dissentiente

Commons—
Message from Her Majesty brought up, and read by Mr. Speaker *July* 19, 1416
Moved, "That the Message be taken into Consideration on Monday next" (*Mr. Gladstone*); Motion agreed to
Message from Her Majesty considered in Committee *July* 22, 1570

[*cont.*

Mayo, Countess of—cont.
Resolved, That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said annuity to commence from the fifteenth day of March, one thousand eight hundred and seventy-two, and to be settled in the most beneficial manner upon Blanche Julia Countess of Mayo, Widow of the late Richard Southwell Earl of Mayo, Her Majesty's late Viceroy and Governor General of India, for the term of her natural life

Mayo's, Countess of, Annuity Bill
(*Mr. Bonham-Carter, Mr. Gladstone, Mr. Chancellor of the Exchequer*)
c. Considered in Committee* *July* 22
Bill ordered; read 1°* *July* 23 [Bill 268]
Read 2°* *July* 24
Committee*; Report *July* 25
Read 3°* *July* 26
l. Royal Assent *August* 6 [35 & 36 *Vict.* c. 56]

MELLOR, Mr. T. W., *Ashton-under-Lyne*
Army Estimates — Control Establishments—Wages, &c. 1549, 1550
Ashton-under-Lyne—Police, Conduct of, 1040
Education (Scotland), Comm. 22
Intoxicating Liquor (Licensing), Comm. *cl.* 14, 1892
Supply—Public Buildings, &c. 435

MELLY, Mr. G., *Stoke-upon-Trent*
Criminal Law Amendment, 1131, 1132
Intoxicating Liquor (Licensing), Comm. *cl.* 13, 1702; *cl.* 14, 1893; *cl.* 24, 1959
Mines (Coal) Regulation, Consid. *cl.* 6, 889

MELVILLE, Viscount
Indian Mutiny—Delhi, Ex-Royal Family of, 1358
Sanitary Condition of Edinburgh, Motion for a Return, 1412

Merchant Shipping and Passenger Acts Amendment Bill
(*Mr. Chichester Fortescue, Mr. Arthur Peel*)
c. Considered in Committee; Bill ordered; read 1°* *June* 27 [Bill 216]
Read 2°* *July* 8
Committee*; Report *July* 18 [Bill 258]

Merchant Shipping Code Bill of 1871
Question, The Earl of Belmore; Answer, Earl Cowper *July* 15, 1121

Metalliferous Mines Regulation (*re-comm.*) **Bill**
(*Mr. Secretary Bruce, Mr. Winterbotham*)
c. Committee—R.P. *July* 5, 716 [Bill 151]
Committee; Report *July* 9, 872 [Bill 236]
Considered* *July* 16
Read 3°* *July* 17
l. Read 1ª* (*Earl of Morley*) *July* 18 (No. 229)
Bill read 2ª, after short debate *July* 23, 1590
Committee* *July* 26 (No. 256)

Metrical System—The International Commission
Question, Mr. J. B. Smith; Answer, Viscount Enfield *July* 18, 1366

METROPOLIS
Battersea Park, Question, Mr. Cowper-Temple; Answer, Mr. Ayrton *July* 22, 1519
Courts of Justice, The New — The Strand Front, Question, Mr. Cavendish Bentinck; Answer, Mr. Ayrton *July* 5, 699
Hyde Park — Guards Drill, Question, Mr. Robertson; Answer, Mr. Ayrton *July* 4, 636
Metropolitan Gas Companies, Question, Mr. Stephen Cave; Answer, Mr. Chichester Fortescue *July* 8, 794
Metropolitan Police—Alleged Violence at Acton, Question, Mr. Eykyn; Answer, Mr. Bruce *July* 8, 791
Parliament Street, Question, Mr. Baillie Cochrane; Answer, Mr. Ayrton *July* 19, 1413
Public Offices, The New—King Street, Westminster, Question, Mr. W. H. Smith; Answer, Mr. Ayrton *July* 25, 1752
Science and Art Museum, East London, Question, Mr. Holms; Answer, Mr. W. E. Forster *July* 11, 947
Smoke Prevention Act—The Lambeth Potteries, Question, Mr. Heygate; Answer, Mr. Bruce *July* 24, 1706
Water Supply—Bermondsey, Questions, Mr. Kay-Shuttleworth; Answers, Mr. Chichester Fortescue, Mr. Stansfeld *June* 27, 284; *June* 28, 346; Question, Observations, Mr. Kay-Shuttleworth; Reply, Mr. Chichester Fortescue *July* 11, 955; Question, Colonel North; Answer, Mr. Chichester Fortescue *July* 16, 1242

Metropolitan Board of Works
Buildings on the Thames Embankment, Questions, Mr. Crawford; Answers, Colonel Hogg *July* 8, 792; Questions, Dr. Brewer, Mr. Collins; Answers, Mr. Ayrton *July* 12, 1041

Metropolitan Police Superannuation Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1°* *June* 21 [Bill 207]
Read 2°* *June* 27
Committee*—R.P. *July* 1
Bill withdrawn* *July* 15

Metropolitan Tramways Provisional Orders Suspension Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Ordered; read 1°* *July* 1 [Bill 219]
Read 2°* *July* 8
Committee*; Report *July* 10
Considered* *July* 12
Read 3°* *July* 15
l. Read 1ª* (*Earl Cowper*) *July* 16 (No. 220)
Read 2ª* *July* 22
Committee*; Report *July* 23
Read 3ª* *July* 25
Royal Assent *August* 6 [35 & 36 *Vict.* c. 43]

Miall, Mr. E., *Bradford*
Property and Revenues of the Church of England, Address for a Royal Commission, 527

Midleton, Viscount
Ireland—Galway Election, 859, 861, 865

Military Forces Localisation (Expenses) Bill (*Mr. Bonham-Carter, Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell*)
c. Considered in Committee * *July* 1
Bill ordered; read 1° * *July* 2 [Bill 222]
Moved, "That the Bill be now read 2°" (*Mr. Secretary Cardwell*) *July* 15, 1200; after short debate, Moved, "That the Debate be now adjourned" (*Mr. Holms*); after further short debate, Motion agreed to; Debate adjourned
Debate resumed *July* 23, 1635
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Holms*); Question proposed, "That 'now,' &c.;" after long debate, Debate adjourned

Military Manœuvres Bill
(*Mr. Secretary Cardwell, Mr. Campbell*)
c. Ordered; read 1° * *July* 15 [Bill 251]
Read 2° * *July* 18
Committee *—R.P. *July* 19
Committee *; Report *July* 25
Considered * *July* 26
Read 3° * *July* 27

Mines (Coal) Regulation Bill
(*Mr. Secretary Bruce, Mr. Winterbotham*)
c. Committee (*on re-comm.*)—R.P. *June* 21, 26
Committee—R.P. *June* 25, 181 [Bill 150]
Committee—R.P. *June* 27, 305
Committee—R.P. *July* 2, 496
Committee—R.P. *July* 4, 640
Committee; Report *July* 5, 708
Order for Consideration, as amended, read *July* 9, 874; further Consideration deferred
Further Consideration resumed *July* 11, 1003
Moved, "That the Bill be now read 3°" *July* 16, 1275
Amendt. to leave out from "be" and add "re-committed, in respect of Clauses 11 and 30" (*Mr. Francis Sharp Powell*) *v.*; after short debate, Question, "That the words, &c." put, and negatived; words added; main Question, as amended, put, and agreed to; Bill re-committed, in respect of Clauses 11 and 30; Committee; Report; Considered
On Question, "That the Bill be read 3°;" after further short debate, Motion agreed to; Bill read 3° [Bill 240]
l. Read 1ª * (*Earl of Morley*) *July* 16 (No. 224)
Read 2ª *July* 23, 1590
Committee *July* 26, 1869

Minto, Earl of
Education (Scotland), Report, *cl.* 66, 1237

Monastic and Conventual Institutions Commission Bill [Bill 129]
(*Mr. Newdegate, Mr. Holt, Sir Thomas Chambers*)
c. Moved, "That the Bill be read 2° upon Friday 5th July, at Two of the clock" *June* 26, 258; after short debate, Debate adjourned

Monckton, Hon. G. E. Milnes, *Nottinghamshire, N.*
Parliamentary and Municipal Elections, Lords Amendts. 360

Monckton, Mr. F., *Staffordshire, W.*
Inland Revenue—Carriage Duty, 790

Monk, Mr. C. J., *Gloucester City*
Bastardy Laws Amendment, Comm. *cl.* 4, Amendt. 1120; Consid. Motion for Adjournment, 1497
Church Seats, Comm. *cl.* 3, 1297
Ireland—Galway Election Petition, Res. 1855
Parliament—Business of the House, 1951
Public Health, Comm. *cl.* 12, 1393; *cl.* 13, Amendt. *ib.*, 1394; *cl.* 41, 1493
Rome — Vatican, Diplomatic Relations with, 1758
Vaccination Acts Amendment, 2R. Amendt. 928
Wild Birds Protection, Consid. Schedule, Amendt. 1298

Monsell, Right Hon. W. (Postmaster General), *Limerick Co.*
Post Office—Questions, &c.
  Exeter, Postmastership of, 1243, 1244
  Glasgow Telegraph Office, 344
  Telegrams, 1127, 1748
  United States—Postage Rates, 1517
  West Indies, Postage to, 632
Supply—Post Office Packet Service, 155, 156

Montagu, Right Hon. Lord R., *Huntingdonshire*
Public Health, Comm. 1252

Monteagle, Lord
Education (Scotland), 2R. 696

Montgomery, Sir G. G., *Peeblesshire*
Tweed Fisheries, Res. 1286

Morgan, Mr. G. Osborne, *Denbighshire*
Burials, Comm. Amendt. 220, 221
County Court Circuit, Mid Wales, 637, 957
Intoxicating Liquor (Licensing), Comm. *cl.* 7, Amendt. 1679, 1681
Judicial Organization, Report of Committee, Res. 1935
Mines (Coal) Regulation, Comm. *cl.* 4, 36; *cl.* 14, 187
Parliamentary and Municipal Elections, Lords Amendts. 478, 1048
Sale of Liquors on Sunday, 2R. 609
Supply—Eyre's, Ex-Governor, Costs, 335

MORLEY, Earl of
Acrobats, 2R. 620
Brickfields, Motion for a Return, 1745
Inclosure Law Amendment, 2R. 486; Comm. *cl.* 3, 936, 937, 938; *cl.* 6, 939, 940; *cl.* 7, 941; Report, *cl.* 3, 1217, 1218; *add. cl.* 1221; *cl.* 18, 1223; Re-comm. 1505; *cl.* 3, 1506, 1507; *cl.* 5, 1508; *cl.* 38, Amendt. *ib*, 1509; Report, 1866, 1867
Metalliferous Mines Regulation, 2R. 1590
Mines (Coal) Regulation, Comm. *cl.* 4, 1873; *cl.* 5, 1876; *cl.* 6, Amendt. *ib.*; *cl.* 7, 1879, 1880; *cl.* 12, *ib.*; *cl.* 15, 1881; *cl.* 52, 1882; *cl.* 53, *ib.*, 1883; *cl.* 57, Amendt. *ib.*
Municipal Corporations (Wards), 2R. 1346
Palace of Westminster—Victoria Tower, 1241
Registration of Births and Deaths, 2R. 858

MORRISON, Mr. W., *Plymouth*
Commons Protection, 2R. 591, 592
Proportional Representation, 2R. 890, 922

MUNDELLA, Mr. A. J., *Sheffield*
Army Estimates — Control Establishments, Wages, &c. 1541
Birmingham Sewerage, 1134, 1135
Criminal Law Amendment Act (1871) Amendment, 2R. 752
Education—Children passed in Extra Subjects, 1751
Elementary Schools—Time Tables, 1360
Elementary Education — Revised New Code (1871), Res. 1467
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1968
Mines (Coal) Regulation, Comm. *cl.* 4, 30; *cl.* 14, 184, 188; Consid. *cl.* 6, 888; *cl.* 11, 1005; *cl.* 45, 1009; 3R. 1277, 1278

Municipal Corporations (Borough Funds) Bill (*Mr. Leeman, Mr. Mundella, Mr. Goldney, Mr. Candlish, Mr. Dodds*)
c. Committee (*on re-comm.*); Report *July* 23, 1673 [Bill 138]
Considered* *July* 26

Municipal Corporations, &c. (Disposition of Penalties) Bill
(*Mr. Serjeant Simon, Mr. Melly, Mr. Birley, Mr. Rathbone, Mr. Cawley, Mr. Mundella*)
c. Bill withdrawn* *July* 17 [Bill 95]

Municipal Corporations (Wards) Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Moved, "That the Bill be now read 3°" *July* 5, 747
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Robert Fowler*); after short debate, Question put, "That 'now,' &c.;" A. 67, N. 34; M. 33; main Question put, and agreed to; Bill read 3° [Bill 102]
l. Read 1ª* (*Earl of Morley*) *July* 8 (No. 199)
Moved, "That the Bill be now read 2ª" *July* 18, 1346

Municipal Corporations (Wards) Bill—cont.
Amendt. to leave out ("now,") and insert ("this day three months") (*Marquess of Salisbury*); after short debate, on Question, That ("now,") &c.; Cont. 56, Not-Cont. 77; M. 21; resolved in the negative; and Bill to be read 2ª this day three months

Municipal Officers Superannuation Bill
(*Mr. Rathbone, Mr. Birley, Mr. Dixon, Mr. Morley, Mr. Graves*)
c. Committee* (*on re-comm.*)—R.P. *July* 2
Committee* (*on re-comm.*)—R.P. *July* 8
Bill withdrawn* *July* 15 [Bill 154]

MUNSTER, Mr. W. F., *Mallow*
Ireland—Galway Election Petition, Res. 1837

MUNTZ, Mr. P. H., *Birmingham*
Army Estimates—Warlike Stores, 1557
Birmingham Sewerage Question, 424
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1695; Amendt. 1700; *cl.* 14, Amendt. 1889, 1892; *cl.* 19, 1915; *cl.* 23, Amendt. 1955, 1956
Military Forces Localisation (Expenses), 2R. 1659
Mines (Coal) Regulation, Consid. *cl.* 11, 1005
Public Health, Comm. 1080; *cl.* 39, 1402
Supply—Customs Department, 746
Harbours, &c. 469, 470
Militia Pay and Allowances, 127
Treaty of Washington, 301

Naturalization Bill [H.L.]
c. Committee (*Mr. Winterbotham*)*; Report *July* 1 [Bill 145]
Considered* *July* 4
Read 3°* *July* 5
l. Royal Assent *July* 25 [35 & 36 *Vict.* c. 39]

NAVY
Dockyard Artisans (Pay), Question, Mr. J. D. Lewis; Answer, Mr. Goschen *July* 25, 1747 —*Workmen in Chatham Dockyard*, Question, Mr. Otway; Answer, Mr. Goschen *July* 18, 1370
Experimental Gunnery—H.M.S. "Hotspur" and "Glatton," Question, Lord Elphinstone; Answer, The Earl of Camperdown *June* 27, 281; Question, Lord Henry Lennox; Answer, Mr. Goschen *July* 1, 427; Question, Mr. Laird; Answer, Mr. Goschen *July* 11, 948; Question, Captain Beaumont; Answer, Mr. Goschen *July* 22, 1516
H.M.S. "Euphrates," Question, Lord Henry Scott; Answer, Mr. Goschen *July* 15, 1137
H.M.S. "Zealous," Question, Sir John Hay; Answer, Mr. Goschen *July* 15, 1146
Staff Commanders and Navigating Lieutenants, Question, Observations, The Earl of Lauderdale; Reply, The Earl of Camperdown; short debate thereon *June* 25, 161
The Channel Squadron, Question, Mr. Bourke; Answer, Mr. Goschen *July* 18, 1361—*Opening of Portland Breakwater,* Question, Mr. Edwards; Answer, Mr. Goschen *July* 22, 1518

[*cont.*

Navy and Army Expenditure (1870-71)
- Resolutions considered in Committee *July* 22, 1588

NELSON, Earl
- Inclosure Law Amendment, Report, 1865

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid*
- Army—Yeomanry and Volunteer Adjutants, 102
- Army Regulation Act—Civil Power, Aid to, 285
- Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1688, 1691; *cl.* 19, 1916
- Supply—Yeomanry Cavalry, 127

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
- Capital Punishment Abolition, 2R. 1724, 1726, 1730, 1737
- Church Seats, Comm. *cl.* 3, 1296
- Criminal Law Amendment, 1133
- France—Deportation of Political Prisoners, 1624
- Intoxicating Liquor (Licensing), Comm. *cl.* 13, 1703, 1705; *cl.* 14, 1904; *cl.* 24, 1976
- Ireland—Galway Election Petition, Res. 1852
- Mines (Coal) Regulation, Comm. *cl.* 7, 42, 43, 45; *cl.* 16, 308; *cl.* 48, 517, 650; *cl.* 63, 665; *cl.* 68, 666
- Monastic and Conventual Institutions Commission, 2R. 258, 259
- Occasional Sermons, 2R. 256
- Parliament—Questions, &c.
    - Morning Sittings, 20
    - Order of Business on Notices of Motion, 698
    - Public Business, 1141, 1144; Res. 1417, 1952
    - Rules and Orders, 301, 302, 303; Amendt. 704, 707
- Parliamentary and Municipal Elections, Lords Amendts. 360, 479, 1051
- Proportional Representation, 2R. 925
- Public Health, Comm. 1270; *cl.* 20, 1401

New Peers—Sat First—See title *Parliament*

New Writs Issued—See title *Parliament*

New Members Sworn—See title *Parliament*

NORTH, Lieut-Colonel J. S., *Oxfordshire*
- Supply—Eyre's, Ex-Governor, Costs, 818
    - Volunteer Corps, 148
- Water Supply (Metropolis), 1242

NORTHCOTE, Right Hon. Sir S. H., *Devonshire, N.*
- Indian Budget, 947
- Mayo, Countess of—Queen's Message considered, 1577
- Persia, Relations with, Res. 1109

NORTHUMBERLAND, Duke of
- Inclosure Law Amendment, Comm. *cl.* 3, 1506, 1507; *add. cl.* Motion for Report, 1509, 1510; Report, Amendt. 1864
- Parliamentary and Municipal Elections, Commons Amendts. 763

NORWOOD, Mr. C. M., *Kingston-upon-Hull*
- Mines (Coal) Regulation, Comm. *cl.* 25, 320

O'BRIEN, Sir P., *King's Co.*
- Ireland—Galway Election Petition, Res. 1852
- Military Forces Localisation (Expenses), 2R. 1671
- Supply—Militia Pay and Allowances, 118
- Volunteer Corps, 151, 153

Occasional Sermons Bill

(*Mr. Cowper-Temple, Mr. Thomas Hughes*)

c. Moved, "That the Bill be now read 2°" *June* 26, 236
- Amendt. to leave out "now," and add "upon this day three months" (*Mr. Beresford Hope*); after debate, Question put, "That 'now' &c.;" A. 116, N. 177; M. 61; words added; main Question, as amended, put, and agreed to; 2R. put off for three months

O'CONOR, Mr. D. M., *Sligo Co.*
- Army Estimates—Works, Buildings, &c. 1569
- Railways (Ireland), 2R. Motion for Adjournment, 1342

O'CONOR DON, The, *Roscommon Co.*
- Ireland—Superannuation Allowances—Valuation Department, 1039

O'DONOGHUE, The, *Tralee*
- Ireland—Galway Election, 290, 633

O'HAGAN, Lord (Lord Chancellor of Ireland)
- Ireland—Case of Rev. R. O'Keeffe, 1344
    - Galway Election, 869

O'LOGHLEN, Right Hon. Sir C. M., *Clare Co.*
- Capital Punishment Abolition, 2R. 1730
- Ireland—Galway Election Petition, 343, 1761; Motion for Adjournment, 1847, 1855
- Palace of Westminster—Fire in the Clock Tower, 413
- Supply—Martial Law, 108
    - Post Office Packet Service, 154, 155
    - Report, 190

O'NEILL, Hon. E., *Antrim Co.*
- Ireland—Galway Election, 1145

ORANMORE AND BROWNE, Lord
- Education (Scotland), 2R. 697; Comm. *cl.* 50, 1026; *cl.* 66, Amendt. 1031
- Fenianism, 420
- Ireland, State of—Recent County Elections, 95, 96, 97
- Landlord and Tenant (Ireland) Act (1870) Amendment (No. 2), 3R. Amendt. 422
- Prisons (Ireland), Comm. *cl.* 8, Amendt. 98
- Treaty of Washington, 2R. 945

O'Reilly, Mr. M. W., *Longford Co.*
France—Deportation of Political Prisoners, 1624
Military Forces Localisation (Expenses), 2R. 1657
National Schools (Ireland), 1299, 1759
Railways (Ireland), 2R. 1319

Ormathwaite, Lord
Inclosure Law Amendment, Comm. *cl.* 3, 935; Report, *cl.* 3, 1219; Re-comm. *add. cl.* 1509

Osborne, Mr. R. B., *Waterford City*
Army—Scientific Corps, Motion for a Committee, 407, 409
Public Health, Comm. *cl.* 3, 1383
Supply—Houses of Parliament, Amendt. 443

Otway, Mr. A. J., *Chatham*
Civil Service—Temporary Writers, Pay of, 431
Navy—Chatham Dockyard, Workmen in, 1370
Supply—Customs Department, 854
  Royal Parks and Gardens, 435

Overstone, Lord
Court of Chancery (Funds), 2R. 420

Oxford University (Colleges)
Moved, "That, in the opinion of this House, it is desirable that all applications on the part of Colleges of the University of Oxford to alter their Statutes should be laid before Parliament within fourteen days after the same have been received by the Privy Council, if Parliament be then sitting" (*Mr. Auberon Herbert*) *June* 25, 220; after short debate, Motion withdrawn

Oyster and Mussel Fisheries Supplemental (No. 2) Bill (*Earl Cowper*)
l. Read 2^{a} * *June* 21 (No. 156)
Committee *; Report *June* 24
Read 3^{a} * *June* 25
Royal Assent *June* 27 [35 & 36 *Vict.* c. lxiii.]

Pakington, Right Hon. Sir J. S., *Droitwich*
Army Estimates—Control Establishments, Wages, &c. 1534
  Works, Buildings, &c. 1563, 1564
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1975
Military Forces Localisation (Expenses), 2R. 1214, 1642, 1643, 1644
Parliament—Business of the House, 1372
Supply—Militia Pay and Allowances, 118

Palk, Sir L., *Devonshire, E.*
Post Office—Exeter, Postmastership of, 1244
Public Health, Comm. 1082, 1258, 1259; *cl.* 20, 1401
Sale of Liquors on Sunday, 2R. 614

Palmer, Mr. J. Hinde, *Lincoln City*
Church Seats, Comm. 1294
Commons Protection, 2R. 596
Judicial Organization—Report of Committee, Res. 1928
Law Officers of the Crown, Res. 68
Parliamentary and Municipal Elections, Lords Amendts. 1066
Real Estates (Titles), 2R. 230
Supply—Natural History Museum, 740

Parish Constables Abolition Bill
(*Mr. Hibbert, Mr. Stansfeld*)
c. Committee *; Report *July* 16 [Bill 97]
Committee * (*on re-comm.*)—R.P. *July* 19 [Bill 255]
Committee * (*on re-comm.*); Report *July* 22
Considered * *July* 23
Read 3^{o} * *July* 26

Parker, Lieut.-Colonel W., *Suffolk, W.*
Army—Militia, 790

Parliament
Lords—
The Frescoes of the Victoria Gallery, Questions, Viscount Hardinge, The Lord Redesdale; Answers, The Duke of St. Albans *June* 28, 339
The Victoria Tower—Smoke Nuisance Prevention Act, Observations, Question, The Archbishop of Canterbury; Reply, The Duke of St. Albans, The Earl of Morley *July* 16, 1239

Commons—
Breach of Privilege—Public Petitions Committee—Fictitious Signatures to a Petition from Manchester against the Licensing Bill, Special Report brought up and read *July* 22, 1511; after short debate, Report to lie upon the Table; Question, Sir Wilfrid Lawson; Answer, Mr. C. Forster *July* 23, 1624; *July* 25, 1752

Business of the House
Conduct of Business—Bishops Resignation Act (1869) *Perpetuation Bill*, Observations, Mr. Bouverie; Reply, Mr. Gladstone; short debate thereon *June* 24, 105
Grand Jury Presentments (Ireland) Bill, Questions, Captain Archdall; Answers, The Marquess of Hartington, Mr. Speaker *July* 5, 700
Close of the Session—Public Bills, Question, Colonel Wilson-Patten; Answer, Mr. Gladstone *July* 12, 1042
Public Business, Question, Observations, Colonel Wilson-Patten; Reply, Mr. Gladstone; short debate thereon *July* 15, 1138
Arrangement of Business, Observations, Mr. Gladstone; short debate thereon *July* 18, 1372
Saturday Sittings—Committees of Supply, Withdrawal of Motion (Mr. Rylands); short debate thereon *July* 26, 1951

Select Committees—Expenses of Witnesses, Questions, Mr. Sclater-Booth, Mr. Bouverie, Mr. Hunt; Answers, Mr. Baxter *June* 24, 99

[*cont.*

Parliament—Commons—*cont.*

Rules and Orders of the House
Question, Observations, Mr. Newdegate; Reply, Mr. Speaker *June* 27, 302
Morning Sittings—Rights of Private Members, Question, Observations, Mr. Newdegate; Reply, Mr. Speaker *June* 21, 20
Order of Business—Notices of Motion, Question, Mr. Newdegate; Answer, Mr. Speaker *July* 5, 698
Rules and Orders—Orders of the Day—Rights of Private Members, Questions, Mr. Newdegate; Answers, Mr. Speaker *July* 5, 704

Palace of Westminster
Decay of the Stonework, Question, Mr. Butler-Johnstone; Answer, Mr. Ayrton *July* 9, 871
Fire in the Clock Tower, Question, Sir Colman O'Loghlen; Answer, Mr. Ayrton *June* 28, 413

Parliament—Counts Out
Amendt. on Committee of Supply *July* 19, To leave out from "That," and add "every Member taking notice that 40 Members are not present shall do so from his place" (*Mr. Bowring*) *v. July* 19, 1472; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Parliament—Private Legislation
Adjourned Debate on Question [13th June] resumed *July* 4, 626; after debate, Debate further adjourned till Thursday 18th July

Parliament—Public Business—Business of the House
Moved, "That upon Tuesday next, and every succeeding Tuesday, during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority" (*Mr. Gladstone*) *July* 19, 1417; after short debate, Motion agreed to

House of Lords
New Peer
July 8—The Right Honourable Sir John Young, baronet, created Baron Lisgar

Sat First
July 12—The Lord Plunket, after the death of his Uncle
July 22—The Viscount Clancarty, after the death of his Father
July 23—The Earl Waldegrave, after the death of his Grandfather
July 25—The Lord Gifford, after the death of his Father

Representative Peer for Ireland
(*Writ and Return*)
June 21—Earl of Wicklow, *v.* Lord Inchiquin, deceased

House of Commons
New Writs Issued
June 21—*For* Aberdeen City, *v.* Lieutenant Colonel William Henry Sykes, deceased

[*cont.*

Parliament—Commons—*cont.*
June 28—*For* the Southern Division of the West Riding of the County of York, *v.* Viscount Milton, Chiltern Hundreds

New Members Sworn
June 28—Francis Bassett, esquire, *Bedford County*
July 2—John Farley Leith, esquire, *Aberdeen City*
July 11—Walter Thomas William Spencer Stanhope, esquire, *The West Riding of the County of York* (Southern Division)

Parliamentary and Municipal Elections Bill (*Lord President*)
l. Report *June* 21, 15 (No. 157)
Moved, "That the Bill be now read 3^{a}" *June* 25, 157; after short debate, on Question, that the Bill be now read 3^{a}? resolved in the affirmative; Bill read 3^{a} (No. 168)
Moved, after Clause 2 to insert the following clause:—
"Any voter may, in compliance with the provisions hereinafter contained, give his vote by a voting paper instead of personally" (*Marquess of Bristol*); after short debate, on Question? resolved in the negative; Bill passed
Protest thereon

"*Dissentient:*

"1. Because contests must be greatly increased in number, as no such preliminary meetings can be held before an election as will be any guides to candidates of their chances of success, from the secrecy which will prevent many from declaring their opinions

"2. Because the small number of nominators might greatly increase the number of candidates in a constituency of 2,000 voters (where only one candidate can be elected), so that where two candidates might poll 1,000 votes each, out of 20 candidates polling near 100 each 19 might be defeated and the election carried by a candidate polling a little more than a tenth part of the voters

"3. Because after the balloting the collection of ballot boxes and counting of the papers would make a declaration of the poll a subject of suspense and delay for many days in large constituencies, which would greatly tend to excitement and ill-feeling, and defeat one great object of the Reform Bill of 1832, which was to shorten as much as possible the duration of elections, besides being contrary to the declared intention of the Ballot Bill

"4. Because no provision is made by fine or otherwise for preventing committee rooms being held in public houses, or for closing them during any part of the day of election, both which precautions have been the subjects of many Petitions to both Houses of Parliament DENMAN."

c. Observations, Mr. Gladstone *June* 27, 290
Lords Amendts. considered *June* 28, 347
Amendts. agreed to, and disagreed to
Further consideration of Lords Amendts. adjourned

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Parliamentary and Municipal Elections Bill—cont.
c. Lords Amendts. further considered *July* 1, 472
Amendts. agreed to, and disagreed to
Committee appointed, "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendts. to which this House hath disagreed;" List of the Committee, 485
l. Commons Amendts. considered *July* 8, 753
Commons Amendts. to Lords Amendts. and Commons consequential Amendts. made by the Lords, considered
Several Amendts insisted on; several not insisted on; and Commons Amendts. agreed to; and a Committee appointed to prepare reasons to be offered to the Commons for the Lords insisting on the said Amendts.; the Committee to meet forthwith; report from the Committee of the reasons; read, and agreed to; and a message sent to the Commons to return the said Bill, with Amendts. and reasons
c. Order of the Day for the Consideration of the Lords' Reasons read *July* 12, 1043
Lords Amendt. and Reasons for disagreeing to one of the consequential Amendts. made by this House to the Bill, and for insisting on certain Amendts. to which this House hath disagreed, considered
After long debate, Committee appointed, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendt. to which this House hath disagreed; and for insisting on its disagreement to certain other Amendts. on which The Lords insist;" List of the Committee, 1067
Reasons for disagreement to The Lords Amendt. and for insisting on disagreement to certain other Amendts. on which The Lords insist, reported, and agreed to; to be communicated to The Lords
l. Commons' consequential Amendts. and Commons' Reasons for disagreeing to some of the Amendts. made by the Lords, considered *July* 15, 1122; after short debate, Amendts. not insisted on
c. Message from The Lords,—That they do not insist on their Amendts. to the Parliamentary and Municipal Elections Bill to which this House disagrees; and agree to the Amendts. made by this House to the Bill with Amendts., to which they desire the concurrence of this House
Lords Amendts. to be considered forthwith; considered, and agreed to
l. Royal Assent *July* 18 [35 & 36 *Vict.* c. 33]
c. Questions, Mr. Collins; Answers, Mr. Bruce *July* 19, 1416; *July* 25, 1751

Patent Laws Commission
Question, Mr. Bowring; Answer, Mr. Gladstone *June* 27, 283

PATTEN, Right Hon. Colonel J. W., *Lancashire, N.*
Cattle Plague—Importation from Russia, 1756
Church Seats, Comm. 1294
Intoxicating Liquor (Licensing), Comm. *cl.* 14, 1903; *cl.* 24, 1967
Ireland—Galway Election, 289, 634, 1632
[*cont.*

PATTEN, Right Hon. Colonel J. W.—*cont.*
Mines (Coal) Regulation, Comm. *cl.* 4, 33; *cl.* 7, 44; *cl.* 45, 502
Parliament — Business of the House, 1042, 1043, 1138; Res. 1418, 1951, 1954
Select Committees—Expenses of Witnesses, 100
Parliament—Private Legislation, Res. 626
Parliamentary and Municipal Elections, Lords Amendts. 375
Public Health, Comm. *cl.* 41, 1494
Railways (Ireland), 2R. 1329
Supply—Militia Pay and Allowances, 116
Volunteer Corps, 141
Thames Embankment (Land), Comm. 1586

Pawnbrokers Bill
(*Mr. Whitwell, Mr. Charles Mills, Mr. Morley, Mr. Plimsoll*)
c. Report of Select Committee *July* 8 [No. 288]
Bill reported * *July* 8 [Bills 173-233]
Committee * (*on re-comm.*)—R.P. *July* 12
Committee * (*on re-comm.*)—R.P. *July* 15
Committee * (*on re-comm.*); Report *July* 16
Considered * *July* 27

PEASE, Mr. J. W., *Durham, S.*
Civil Service—Temporary Writers, Pay of, 429
Metalliferous Mines Regulation, Comm. *cl.* 5, Amendt. 717; *cl.* 9, 721; *cl.* 23, Amendt. 723
Military Forces Localisation (Expenses), 2R. 1213
Mines (Coal) Regulation, Comm. 27; *cl.* 4, Amendt. 35; *cl.* 7, 42, 43, 45; *cl.* 11, Amendt. 46; *cl.* 12, Amendt. 182; *cl.* 16, 305, 308, 311, 314; *cl.* 24, 317; *cl.* 25, 321; *cl.* 30, 331; *cl.* 39, Amendt. 332; *cl.* 47, 507; *cl.* 48, 523, 643, 646, 661; *add. cl.* 710, 714; *cl.* 11, 1005; *cl.* 24, 1008; *cl.* 45, 1009
Supply—Customs Department, 746
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PEEL, Right Hon. Sir R., *Tamworth*
Birmingham Sewerage, 1134, 1135
France—Deportation of Political Prisoners, 1622, 1623, 1624
Ireland—Galway Election—Mr. Justice Keogh, 340
Metropolis—Battersea Park, 1519

PEEL, Mr. A. W. (Secretary to the Board of Trade), *Warwick Bo.*
Supply—Harbours, &c. 471
Tramways (Metropolis), 102
Trinity House—Beazeley, Mr., Dismissal of, 1887

PELL, Mr. A., *Leicestershire, S.*
Birmingham Sewerage, 1128, 1129
Church Seats, Comm. 1294; *cl.* 3, Amendt. 1297
Parliamentary and Municipal Elections, Lords Amendts. 1066
Public Health, Comm. Motion for Adjournment, 1082, 1251; *cl.* 10, 1391, 1392; *cl.* 18, 1398

Pensions Commutation Act (1871) [Telegraph Officers] Bill
(*Mr. Bonham-Carter, Mr. Monsell, Mr. Baxter*)
c. Considered in Committee * *July* 23
Bill ordered * *July* 24
Read 1° * *July* 26 [Bill 275]

PENZANCE, Lord
Corrupt Practices at Municipal Elections, 2R. 1743
Parliamentary and Municipal Elections, Commons Amendts. 773

Persia—Diplomatic Relations with
Amendt. on Committee of Supply *July* 12, To leave out from "That," and add "in the opinion of this House, it is expedient that the recommendation of the Diplomatic Committee of last year be carried out, viz. that the control of our relations with Persia be transferred to the India Office, or that the payments for the expenses of our mission in Persia be readjusted" (*Mr. Eastwick*) *v.*, 1083; Question proposed, "That the words, &c.;" after debate, Question put; A. 90, N. 60; M. 30

Petroleum Bill [H.L.] (*Earl of Morley*)
l. Report of Select Committee * *July* 5
Bill reported * *July* 5 (No. 104)
Committee * *July* 19 (No. 193)
Report * *July* 23 (No. 232)
Read 3ª * *July* 25

Pier and Harbour Orders Confirmation (No. 2) Bill (*Earl Cowper*)
l. Committee * *June* 27 (No. 134)
Report * *June* 28
Read 3ª * *July* 1
Royal Assent *July* 18 [35 & 36 *Vict.* c. xciii.]

Pier and Harbour Orders Confirmation (No. 3) Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Report * *June* 28 [Bills 171-217]
Committee * (*on re-comm.*); debate adjourned *July* 1
Committee * (*on re-comm.*); Report *July* 4
Considered * *July* 5
Read 3° * *July* 8
l. Read 1ª * (*Earl Cowper*) *July* 9 (No. 202)
Read 2ª * *July* 11
Select Committee appointed * *July* 18
Report of Select Committee * *July* 23 [No. 239]
Committee * *July* 25
Report * *July* 26 (No. 250)

PIM, Mr. J., *Dublin City*
Intoxicating Liquor Licensing, 2R. 1002
Ireland — Galway Election Petition, Res. Amendt. 1799, 1817
Irish Church Act—Income Tax on Commutations, 789
Joint Stock Banks (Ireland), Res. 1289
Local Government Board (Ireland), Comm. *cl.* 3, 1588
Married Women's Property Act, 1124
Railways (Ireland), 2R. 1330

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
Education (Scotland), Consid. *cl.* 66, 171
Mines (Coal) Regulation, Comm. *cl.* 25, 324; *cl.* 48, 521; *add. cl.* 713; Consid. *add. cl.* 876; Amendt. 878
Vaccination Acts Amendment, 2R. 930

PLIMSOLL, Mr. S., *Derby Bo.*
Intoxicating Liquor (Licensing), Comm. *cl.* 7, Amendt. 1678; *cl.* 19, Amendt. 1913

PLUNKET, Hon. D. R., *Dublin University*
Ireland—Galway Election Petition, Res. 1839

POOR LAW
Henley Union, Question, Mr. Hermon; Answer, Mr. Hibbert *July* 22, 1512
Metropolis—Pauper Children, Question, Mr. W. H. Smith; Answer, Mr. Hibbert *July* 19, 1414

Poor Law (Scotland) (*re-comm.*) **Bill**
(*Mr. Craufurd, Sir Robert Anstruther, Mr. Miller*)
c. Bill withdrawn * *July* 24 [Bill 179]

PORTMAN, Lord
Army Regulation Act, 2, 5
Inclosure Law Amendment, Comm. *cl.* 3, Amendt. 935, 937, 939; *cl.* 7, 941; Report, *cl.* 3, Amendt. 1218
Limited Owners Improvements, 2R. 13
Trusts of Benefices and Churches, Report, Amendt. 414, 416, 417

PORTSMOUTH, Earl of
Ireland—Galway Election, 870

POST OFFICE
Postage Rates to the West Indies, Question, Mr. Bowring; Answer, Mr. Monsell *July* 4, 632
Postage Rates (*United States*), Question, Mr. Seely; Answer, Mr. Monsell *July* 22, 1517
Postmastership of Exeter, Questions, Mr. Bowring, Sir Lawrence Palk; Answers, Mr. Monsell *July* 16, 1243
The New Post Office Buildings, Question, Mr. Winn; Answer, Mr. Ayrton *July* 9, 872
Telegraph Department
Classification of Clerks, Question, Mr. Synan; Answer, Mr. Baxter *July* 8, 788
Clerks at the Glasgow Telegraph Office, Question, Mr. Synan; Answer, Mr. Monsell *June* 28, 344
Sixpenny Rates, Question, Mr. Lea; Answer, Mr. Monsell *July* 15, 1127
Telegraph Establishment — Treasury Report, Question, Mr. W. H. Smith; Answer, Mr. Baxter *July* 15, 1147; Question, Mr. Lea; Answer, Mr. Monsell *July* 25, 1748

POWELL, Mr. F. S., *Yorkshire, W. R., N. Division*
Church Seats, Comm. *cl.* 2, 1295; *cl.* 3, 1297
Education (Scotland), Consid. *cl.* 68, Amendt. 175; *cl.* 72, Amendt. 180; *add. cl.* 1004; *cl.* 11, 1006; *cl.* 14, *ib.*; *cl.* 24, 1008

[*cont.*

POWELL, Mr. F. S.—*cont.*
Intoxicating Liquor (Licensing), Comm. *cl.* 5, 1678; *cl.* 9, 1684; *cl.* 13, Amendt. 1701; *cl.* 24, 1984
Mines (Coal) Regulation, Comm. *cl.* 4, 36; *cl.* 45, 505; *add. cl.* 709; Consid. *cl.* 5, 887; 3R. Amendt. 1277
Parliament—Private Legislation, Res. 630
Public Health, Comm. *cl.* 3, 1389; *cl.* 20, 1401; *cl.* 41, 1493
Supply—Report, 854
Survey of the United Kingdom, &c. 465

POWIS, Earl of
Inclosure Law Amendment, 2R. 490; Comm. *cl.* 6, 940

Prison Ministers Bill [H.L.]
(*Sir John Trelawny*)
c. Bill withdrawn * *July* 18 [Bill 191]

Prisons (Ireland) Bill [H.L.]
(*Marquess of Lansdowne*)
l. Committee; Report *June* 24, 98 (No. 108)
Read 3ª * *June* 27
c. Read 1° * (*Mr. Attorney General for Ireland*) *July* 1 [Bill 221]

Proportional Representation Bill
(*Mr. Morrison, Mr. Auberon Herbert, Mr. Fawcett, Mr. Thomas Hughes*)
c. Moved, "That the Bill be now read 2°" *July* 10, 890 [Bill 67]
Amendt. to leave out from "That" and add "no measure dealing with the re-distribution of Electoral Representation will be satisfactory to this House which does not extend to Scotland and Ireland, and which does not give an equal share of political power to all Electors" (*Sir Charles Dilke*) *v.*; after debate, Question, "That the words, &c.;" put, and negatived
Question proposed, "That the words 'No measure dealing with the re-distribution of Electoral Representation will be satisfactory to this House which does not extend to Scotland and Ireland, and which does not give an equal share of political power to all Electors,'" be added, *v.*; Question put; A. 26, N. 154; M. 128

Public Health Bill
(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Hibbert*)
c. Committee *; Report *June* 27 [Bills 48-215]
Questions, Mr. Rylands, Mr. Corrance, Colonel Barttelot, Sir Henry Selwin-Ibbetson, Sir Michael Hicks-Beach; Answers, Mr. Stansfeld, Mr. Gladstone *June* 28, 344
Question, Mr. Goldsmid; Answer, Mr. Stansfeld *July* 1, 424
Order for Committee (*on re-comm.*) read *July* 12, 1075
Moved, "That it be an Instruction to the Committee, that they have power to provide for the rebuilding of workmen's dwellings in cases where the same shall have been extensively pulled down under or by virtue
[*cont.*

Public Health Bill—cont.
of any Act of Parliament" (*Mr. W. M. Torrens*); after short debate, Motion withdrawn
Moved, "That Mr. Speaker do now leave the Chair;" after further short debate, Motion agreed to; Debate adjourned
Debate resumed *July* 16, 1244; after long debate, Question put, and agreed to; Committee—R.P.
Committee—R.P. *July* 18, 1373
Committee; Report *July* 19, 1492

Public Health and Local Government Bill (*Sir Charles Adderley, Mr. Russell Gurney, Mr. Whitbread, Mr. Stephen Cave, Lord Robert Montagu, Mr. M'Clean, Mr. Richard, Mr. Powell*)
c. Bill withdrawn * *July* 22 [Bill 49]

Public Health—Medical Officer of the Local Government Board—(Salary)
Resolution [July 11] reported; and, after short debate, agreed to *July* 12, 1068

Public Offices, The New—King Street, Westminster
Question, Mr. W. H. Smith; Answer, Mr. Ayrton *July* 25, 1752

Public Prosecutors (*re-comm.*) **Bill**
(*Mr. Spencer Walpole, Mr. Russell Gurney, Mr. Eykyn, Mr. Rathbone*)
c. Bill withdrawn * *July* 19 [Bill 203]

Public Schools Act (1868) Amendment Bill [H.L.] (*Earl of Camperdown*)
l. Presented; read 1ª * *July* 15 (No. 212)
Read 2ª * *July* 18
Committee *; Report *July* 19
Read 3ª * *July* 22
c. Read 1° * (*Mr. Winterbotham*) *July* 24 [Bill 271]

Public Works Commissioners (School Boards Loans) Bill — See title *Elementary Education (School Board Loans) Bill*

Public Worship Facilities (*re-comm.*) **Bill**
(*Mr. Salt, Mr. Norwood, Mr. Dimsdale, Mr. Akroyd*)
c. Bill withdrawn * *July* 19 [Bill 119]

Queen's Bench (Ireland) Procedure Bill
(*Lord O'Hagan*)
l. Read 2ª * *July* 11 (No. 159)
Committee *; Report *July* 12
Read 3ª * *July* 15
Royal Assent *July* 18 [35 & 36 *Vict.* c. 28]

RAIKES, Mr. H. C., *Chester*
Intoxicating Liquor (Licensing), Comm. *cl.* 22, Amendt. 1918
Law Officers of the Crown, Res. 71

Railway Rolling Stock (Distraint) Bill
(*Mr. Muntz, Mr. Pim, Mr. Anderson*)
c. Select Committee nominated; List of the Committee *July* 4, 668
Bill reported * *July* 12 [Bill 248]
Committee * (*on re-comm.*); Report *July* 18
Considered * *July* 22
Read 3° * *July* 23
l. Read 1ª * (*Lord Cairns*) *July* 25 (No. 247)
Read 2ª * *July* 26

Railways (Ireland) Bill
(*Sir Rowland Blennerhassett, The Marquess of Hamilton*)
c. Moved, "That the Bill be now read 2°" *July* 17, 1299
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Goldsmid*); Question proposed, "That 'now,' &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. O'Conor*); A. 63, N. 84; M. 21; Debate adjourned at 6 o'clock

Railways Provisional Certificate Confirmation Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Order for Committee read, and discharged; Bill, so far as relates to "The Widnes Railways," committed to a Select Committee *June* 24, 156
Committee * (*on re-comm*); Report *July* 8
Read 3° * *July* 10
l. Read 1ª * (*Earl Cowper*) *July* 12 (No. 208)

RATHBONE, Mr. W., *Liverpool*
Elementary Education—Revised New Code (1871), Res. 1467
Intoxicating Liquor (Licensing), 2R. 985; *cl.* 13, 1701, 1704; *cl.* 14, 1898, 1908; *cl.* 19, 1913
Public Health, Comm. *cl.* 13, 1393

READ, Mr. Clare S., *Norfolk, S.*
Cattle Plague—Contagious Diseases (Animals) Prevention Act—Foot and Mouth Disease, 1367, 1368
Sanitary Regulations—Carcases of Animals, 285
Public Health, Comm. 1263; *cl.* 13, 1394
Vaccination Acts Amendment, 2R. 929

Real Estates (Titles) Bill
(*Mr. Gregory, Mr. Pemberton, Sir Henry Selwin-Ibbetson*)
c. Bill withdrawn, after short debate *June* 26, 223

REDESDALE, Lord (Chairman of Committees)
Army—Royal Military Academy, Woolwich, Address for Correspondence, 281
Court of Chancery (Funds), 2R. 420
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REDESDALE, Lord—*cont.*
Inclosure Law Amendment, 2R. 493; Report. *cl.* 3, 1217, 1221; *add. cl.* 1222; Re-comm. 1505; Report, 1867
Limited Owners Improvements, 2R. 14
Palace of Westminster — Victoria Gallery, Frescoes of the, 339
Treaty of Washington, 1605, 1746
Trusts of Benefices and Churches, Report, 416

REED, Mr. C., *Hackney*
Education—Local Government Board, Teachers under the, 946

Registration of Births and Deaths Bill
[H.L] (*Earl of Morley*)
l. Presented; read 1ª * *June* 27 (No. 179)
Bill read 2ª *July* 9, 858
Committee * *July* 12
Report * *July* 16 (No. 223)
Read 3ª * *July* 18
c. Read 1° * (*Mr. Stansfeld*) *July* 26 [Bill 272]

Registration of Partnerships Bill
(*Mr. Norwood, Mr. Barnett, Mr. Turner, Mr. Whitwell*)
c. Ordered; read 1° * *July* 15 [Bill 249]

Review of Justices' Decisions Bill
(*Duke of Richmond*)
l. Read 2ª * *June* 25 (No. 164)
Committee *; Report *June* 27
Read 3ª * *June* 28
Royal Assent *July* 18 [35 & 36 *Vict.* c. 26]

Revising Barristers Bill
(*Mr. Attorney General, Mr. Solicitor General*)
c. Ordered; read 1° * *July* 19 [Bill 262]

RICHARD, Mr. H., *Merthyr Tydvil*
Capital Punishment Abolition, 2R. 1719
Military Forces Localisation (Expenses), 2R. 1209
Mines (Coal) Regulation, Comm. *cl.* 4, 35, 37; *add. cl.* 714; *cl.* 11, 1005; 3R. 1280
Occasional Sermons, 2R. 254

RICHMOND, Duke of
Acrobats, Comm. 1505
Army—Purchase and the Scientific Corps, Queen's Answer to Address, 269
Re-organization—Depôt Centres, 672
Army Regulation Act, 6
Church of England Fire Insurance, Comm. 278
Education (Scotland), 2R. 688, 689; Comm. *cl.* 1, Amendt. 1014, 1021; *cl.* 3, Amendt. 1022; *cl.* 20, Amendt. 1023; *cl.* 27, Amendt. *ib.*; *cl.* 50, Amendt. 1024, 1026; *cl.* 51, Amendt. *ib.*; *add. cl.* 1028; *cl.* 65, Amendt. 1029; *cl.* 66, 1030; Preamble, Amendt. 1032; Report, *cl.* 64, 1225; *cl.* 66, Amendt. *ib.*, 1227; 3R. *cl.* 64, Amendt. 1351
Inclosure Law Amendment, 2R. 491, 492; Comm. *cl.* 3, 937, 938; Amendt. 939; *cl.* 6, *ib.*; *cl.* 7, Amendt. 941; Report, *add. cl.* 1223; Re-comm. *cl.* 5, Amendt. 1507; *add. cl.* 1509, 1510
[*cont.*

Richmond, Duke of—*cont.*
Limited Owners Improvements, 2R. 14
Mayo, Countess of—Queen's Message considered, 1501
Mines (Coal) Regulation, Comm. *cl.* 4, 1873; *cl.* 6, Amendt. 1876; *cl.* 7, Amendt. 1879; *cl.* 12, Amendt. 1880; *cl.* 15, Amendt. *ib.*; *cl.* 52, Amendt. 1882; *cl.* 53, Amendt. *ib.*, 1883; *cl.* 57, *ib.*; *cl.* 62, Amendt. *ib.*
Parliamentary and Municipal Elections, Report, *add. cl.* 17; Commons Amendts. 754, 758; Amendt. 759, 781, 782; *cl.* 25, 783, 1123

Ridley, Mr. M. W., *Northumberland, N.*
Tweed Fisheries, 1286

Ripon, Marquess of (Lord President of the Council)
Army—Purchase and the Scientific Corps, Queen's Answer to Address, 273
Education (Scotland), Comm. *cl.* 1, 1019; *cl.* 3, 1022, 1023; *cl.* 35, 1024; *cl.* 50, 1026; *cl.* 66, 1031; *cl.* 69, 1032
Elementary Education (Elections), 2R. 1601, 1744
Endowed Schools Commissioners — Hughes' Charity, Beaumaris, Motion for an Address, 1858, 1863
Inclosure Law Amendment, *add. cl.* 1510
Mines (Coal) Regulation, Comm. *cl.* 7, 1880
Municipal Corporations (Wards), 2R. 1349
Parliamentary and Municipal Elections, Report, *cl.* 3, Amendt. 15; *cl.* 17, Amendt. 18; 3R. 160; Commons Amendts. Amendt. 753, 755, 758, 781; Amendt. *ib.*, 782, 783; *cl.* 25, Amendt. *ib.*; *cl.* 33, *ib.*, 785, 1122, 1123

Robertson, Mr. D., *Berwickshire*
Metropolis—Hyde Park—Guards Drill, 636

Roden, Mr. W. S., *Stoke-on-Trent*
Intoxicating Liquor (Licensing), Comm. *cl.* 24, 1984
Mines (Coal) Regulation, Comm. *cl.* 14, 183; *cl.* 16, 307, 313; *cl.* 25, 326; *cl.* 45, 501, 502; *cl.* 47, 506; *cl.* 48, 524, 653; *cl.* 58, 664; *cl.* 63, 665; *add. cl.* 711; Consid. *add. cl.* 876, 877; *cl.* 6, 888; *cl.* 11, 1004; *cl.* 24, 1008; *cl.* 45, 1009; 3R. 1280
Supply—Volunteer Corps, 152

Rome—Diplomatic Relations with the Vatican
Question, Mr. Monk; Answer, Viscount Enfield *July* 25, 1758

Romilly, Lord
Acrobats, 2R. 622; Comm. 1504

Rosebery, Earl of
Education (Scotland), 2R. 696; Report, *cl.* 66, Amendt. 1228, 1238

Royal Military Canal Act Amendment Bill (*Mr. Campbell, Sir Henry Storks*)
c. Ordered; read 1° * *July* 23 [Bill 270]
Read 2° * *July* 25
Committee *; Report *July* 26

Royal Parks and Gardens—The Regulations
c. Question, Mr. Rylands; Answer, Mr. Ayrton *July* 18, 1373; Question, Mr. Eustace Smith; Answer, Mr. Ayrton *July* 25, 1749

Russell, Earl
Parliamentary and Municipal Elections, Commons Amendts. 768

Russia—Murders of British Subjects in the Caucasus
Question, Mr. Eastwick; Answer, Viscount Enfield *June* 27, 287

Rylands, Mr. P., *Warrington*
Army Estimates — Control Establishments, Wages, &c. 1535
Warlike Stores, 1558
Colonial Governors Pensions, 2R. 80; Comm. *cl.* 3, Motion for reporting Progress, 334
Corrupt Practices at Municipal Elections, 640
Intoxicating Liquor (Licensing), Comm. *cl.* 15, 1911; *cl.* 16, Amendt. *ib.*
Military Forces Localisation (Expenses), 2R. 1215
Mines (Coal) Regulation, Comm. *cl.* 4, 39; *cl.* 7, 42, 44; *cl.* 14, 185; *cl.* 25, 325; *cl.* 48, 644; Consid. *add. cl.* 880, 884; *cl.* 5, 887
Navy Estimates—Admiralty Office, 1189
Parliament—Public Business, Res. 1427, 1951
Public Health, 344
Royal Parks and Gardens—Regulations, 1373
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New Offices in Downing Street, 456
Post Office and Inland Revenue Buildings, 460
Report, Amendt. 854, 855
Royal Parks and Gardens, 435
Science and Art Department, 461, 1458

Sackville, Mr. Sackville G. Stopford-, *Northamptonshire, N.*
Persia, Relations with, Res. 1106
Supply—Report, Amendt. 856

St. Albans, Duke of
Palace of Westminster — Victoria Gallery, Frescoes of the, 339
Victoria Tower, 1239

St. Aubyn, Mr. J., *Cornwall, W.*
Metalliferous Mines Regulation, Comm. *cl.* 9, 720

St. Lawrence, Viscount, *Galway Bo.*
Irish Fisheries Protection, 104

Sale of Liquors on Sunday Bill (*Mr. Birley, Mr. Candlish, Mr. Robert Fowler, Mr. Osborne Morgan*)
c. Moved, "That the Bill be now read 2°" *July* 3, 601 [Bill 78]
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Joshua Fielden*); Question proposed, "That 'now,' &c.;" after debate, Debate adjourned

Sale of Liquors on Sunday (Ireland) Bill
(*Sir Dominic Corrigan, Mr. Pim, Viscount Crichton, Mr. M^cClure, Mr. William Johnston, Lord Claud Hamilton, Mr. Dease*)
c. Order for 2R. read *June* 26, 258 ; after short debate, further proceeding adjourned [Bill 68]

SALISBURY, Marquess of
  Acrobats, Comm. 1504
  Army—Purchase and the Scientific Corps, Queen's Answer to Address, 267
    Re-organization—Depôt Centres, 668, 673
  Education (Scotland), Comm. *cl.* 35, Amendt. 1024 ; Report, *cl.* 43, 1225
  Elementary Education (Elections), 2R. Amendt. 1602
  Inclosure Law Amendment, Comm. *cl.* 7, 941 ; Report, *cl.* 3, 1219 ; *add. cl.* 1222 ; Comm. *cl.* 3, 1507 ; *add. cl.* 1509, 1510 ; Report, 1867
  Indian Mutiny—Delhi, Ex-Royal Family of, 1358, 1359
  Ireland—Galway Election, 866, 870
  Limited Owners Improvements, 2R. 7 ; Comm. 857
  Mines (Coal) Regulation, Comm. *cl.* 4, 1874 ; *cl.* 52, 1882
  Municipal Corporations (Wards), 2R. Amendt. 1347
  Parliamentary and Municipal Elections, 3R. 160 ; Commons Amendts. Amendt. 782 ; *cl.* 25, 783, 1122
  Treaty of Washington, 2R. 942, 944

Salmon Fisheries (No. 2) Bill
(*Mr. Dillwyn, Mr. William Lowther, Mr. Assheton, Mr. Brown*)
c. Bill withdrawn * *July* 12 [Bill 178]

SALOMONS, Alderman Sir D., *Greenwich*
  Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1688

SALT, Mr. T., *Stafford*
  Ecclesiastical Commission, 630
  Endowed Schools Act (1869), 340
  Fiji Islands, Motion for an Address, 202

SAMUDA, Mr. J. D'A., *Tower Hamlets*
  Cattle from Schleswig-Holstein, 702
  Mines (Coal) Regulation, Comm. *cl.* 48, 662 ; *cl.* 58, 664
  Navy Estimates—Admiralty Office, 1185

SAMUELSON, Mr. B., *Banbury*
  Education—Elementary School Teachers, Res. 1430, 1434, 1435, 1437
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  Mines (Coal) Regulation, Comm. *cl.* 4, 41 ; *cl.* 14, 186 ; *cl.* 25, 328 ; *cl.* 42, 498 ; *cl.* 45, Amendt. 504 ; *cl.* 48, 517
  Parliament—Public Business, 1144

SAMUELSON, Mr. H. B., *Cheltenham*
  Army—Volunteers—War Office Circular, 793
  Intoxicating Liquor (Licensing), Comm. *cl.* 7, 1681 ; *cl.* 14, 1890, 1903
  Sale of Liquors on Sunday, 2R. 613

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  Army—Purchase and the Scientific Corps, Queen's Answer to Address, 271
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SANDON, Viscount, *Liverpool*
  Intoxicating Liquor (Licensing), Comm. *cl.* 19, 1915 ; *cl.* 24, 1966
  Parliamentary and Municipal Elections, Lords Amendts. 479

Saving Life from Wreck, &c.—Rocket Apparatus
  Question, Sir David Wedderburn ; Answer, Mr. Chichester Fortescue *June* 25, 167

School Boards Bill—*Afterwards* Elementary Education (Elections) Bill
(*Mr. William Edward Forster, Mr. Winterbotham*)
c. Ordered ; read 1° * *July* 4 [Bill 224]
  Bill withdrawn * *July* 18

Science and Art Museum, East London
  Question, Mr. Holms ; Answer, Mr. W. E. Forster *July* 11, 947

SCLATER-BOOTH, Mr. G., *Hampshire, N.*
  Army Regulation Act—Regimental Paymasters, 1362
  Church Seats, Comm. *cl.* 3, 1296
  Colonial Governors Pensions, Comm. *cl.* 3, 334
  Income Tax Collection, 1754
  Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1696, 1698, 1699 ; *cl.* 13, 1705
  Military Forces Localisation (Expenses), 2R. 1215
  Mines (Coal) Regulation, Comm. *cl.* 42, 496
  Parliament—Select Committees—Expenses of Witnesses, 99, 100
  Public Health, Comm. *cl.* 18, 1398 ; *cl.* 41, 1493
  Supply—Customs Department, 746
    Post Office Packet Service, 155
    Report, 854
    Retired Allowances, 746
  Thames Embankment (Land), Comm. 1584

SCOTLAND
  Edinburgh, Sanitary Condition of, Moved, "That there be laid before the House the last Return submitted by the Town Council of Edinburgh by the Burgh Engineer" (*Lord Kinnaird*) *July* 19, 1412 ; after short debate, Motion agreed to
  Public Loan Commissioners—Arbroath Harbour Loan, Question, Mr. Cawley ; Answer, Mr. Gladstone *June* 24, 104
  Register of Sasines, Edinburgh, Question, Mr. Grieve ; Answer, Mr. Baxter *June* 27, 287
  Shetland Truck Commission Report, Question, Sir David Wedderburn ; Answer, Mr. Bruce *July* 19, 1413

SCOTT, Lord H. J. M. D., *Hampshire, S.*
  Intoxicating Liquor (Licensing), Comm. *cl.* 19, 1916
  Navy—H.M.S. "Euphrates," 1137

Scourfield, Mr. J. H., *Pembrokeshire, S.*
Capital Punishment Abolition, 2R. 1718
Education (Scotland), Consid. *cl.* 68, Amendt. 175
Mines (Coal) Regulation, Comm. *cl.* 14, 186 ; *cl.* 48, 652 ; Consid. *add. cl.* 879, 881 ; 3R. 1277
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Seely, Mr. C., Senr., *Lincoln City*
Post Office—United States—Postage Rates, 1517

Seely, Mr. C., Junr., *Nottingham*
Mines (Coal) Regulation, Comm. *cl.* 4, 41 ; *cl.* 14, 187 ; Consid. *add. cl.* 885 ; *cl.* 5, Amendt. 886

Selkirk, Earl of
Education (Scotland), Comm. *cl.* 1, 1021 ; *cl.* 50, 1025

Selwin-Ibbetson, Sir H. J., *Essex, W.*
Cattle Plague, 1415
Intoxicating Liquor (Licensing), 2R. 969, 991 ; Comm. 1674 ; *cl.* 5, 1675, 1676, 1677 ; *cl.* 6, Amendt. 1678 ; *cl.* 7, 1680 ; *cl.* 9, 1683, 1685 ; *cl.* 12, 1687, 1692 ; Amendt. 1698, 1699 ; *cl.* 14, 1888, 1893 ; Amendt. 1904 ; *cl.* 15, 1910 ; *cl.* 16, 1911, 1912 ; *cl.* 19, 1914 ; *cl.* 22, Amendt. 1954, 1955 ; *cl.* 24, 1959, 1969, 1978, 1983, 1986
Mines (Coal) Regulation, Comm. *cl.* 48, Amendt. 644 ; *cl.* 63, Amendt. 665
Parliament—Business of the House, 1372, 1373 ; Res. 1420
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Seymour, Mr. A., *Salisbury*
Supply—Houses of Parliament, 446

Shaftesbury, Earl of
Acrobats, 2R. 621 ; Comm. 1502
Brickfields, Motion for a Return, 1745
Metalliferous Mines Regulation, 2R. 1600
Mines (Coal) Regulation, Comm. *cl.* 4, Amendt. 1869, 1875 ; *cl.* 5, Amendt. *ib.*, 1876 ; *cl.* 6, 1877, 1878
Parliamentary and Municipal Elections, Report, *cl.* 3, 16 ; *add. cl. ib.*, 18

Shaw, Mr. R., *Burnley*
Mines (Coal) Regulation, Comm. *cl.* 7, 44

Sheridan, Mr. H. B., *Dudley*
Albert and European Life Assurance Companies, Res. 393
Mines (Coal) Regulation, Comm. *cl.* 48, Amendt. 652 ; Consid. *cl.* 6, 889 ; *cl.* 45, Amendt. 1008

Sheriff, Mr. A. C., *Worcester City*
Criminal Law—Droitwich Magistrates, 793

Sherlock, Mr. Serjeant D., *King's Co.*
Law Officers of the Crown, Res. 67

Simon, Mr. Serjeant J., *Dewsbury*
Elementary Education Act — Section 33 — School Boards, 956
Legacy and Succession Duty Department, 1147
Parliament—Public Petitions, 1511
Supply—Eyre's, Ex-Governor, Costs, 841

Sites for Places of Worship and Schools Bill—*Afterwards*
Sites for Places of Worship, &c. Bill
(*Marquess of Westminster*)
l. Read 1ᵃ* *June* 21 (No. 166)
Read 2ᵃ* *July* 5
Committee* ; Report *July* 11 (No. 206)
Committee* (*on re-comm.*) *July* 15 (No. 214)
Report* *July* 19
3R. discharged *July* 25

Slave Trade (*East African Coast*)
Moved, " That an humble Address be presented to Her Majesty, praying that such measures as are necessary to assist the cruisers employed in the repression of the Slave Trade on the Eastern Coast of Africa may be adopted " (*Lord Stratheden*) *July* 23, 1608 ; after short debate, a Question being stated thereupon, the Question was put, Whether the Question shall be now put ? resolved in the negative

Smith, Mr. J. B., *Stockport*
Metrical System, International Commission on the, 1366

Smith, Mr. T. E., *Tynemouth, &c.*
Intoxicating Liquor (Licensing), Comm. *cl.* 7, 1680, 1681
Mayo, Countess of — Queen's Message considered, 1574
Mines (Coal) Regulation, Comm. *cl.* 14, 187
Royal Parks and Gardens—Regulations, 1749, 1750

Smith, Mr. W. H., *Westminster*
Education (Scotland), Consid. *cl.* 66, 172
Intoxicating Liquor (Licensing), Comm. *cl.* 23, 1955 ; *cl.* 24, 1982, 1988
Metropolis—New Public Offices, 1752
Parliament—Public Business, Res. 1428
Poor Law (Metropolis)—Pauper Children, 1414
Post Office—Telegraph Establishment, 1147
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 Royal Parks and Gardens, 434
Thames Embankment (Land), Comm. 1583
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Smyth, Mr. P. J., *Westmeath Co.*
Intercolonial Tariffs, 1145
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Solicitor General, The (Sir G. **Jessel**), *Dover*
Judicial Organization, Report of Committee, Res. 1929, 1932, 1936

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SOMERSET, Duke of
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Question, Admiral Erskine; Answer, Viscount Enfield *July* 4, 637

Spain—Slavery in Cuba
Question, Mr. A. Johnston; Answer, Viscount Enfield *July* 8, 797

SPEAKER, The (Right Hon. H. B. W. BRAND), *Cambridgeshire*
Birmingham Sewerage, 1136
Burials, Comm. 222
Criminal Law—"Tichborne *v.* Lushington," 1118
Education (Scotland), Consid. *cl.* 66, 172
Fiji Islands, Motion for an Address, 218, 219
France — Deportation of Political Prisoners, 1622, 1624
Ireland—Galway Election Petition, Res. 1809, 1854
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  Conduct of Business, 107
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  Order of Business—Notices of Motions, 698
  Public Petitions, 1512
  Rules and Orders, 302, 707
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SPENCER, Earl (Lord Lieutenant of Ireland)
Ireland—Galway Election, 863, 865, 868

Spirituous Liquors (Retail) Bill
(*Sir Henry Selwin-Ibbetson, Mr. Headlam, Mr. Goldney, Mr. William Henry Smith*)
c. Bill withdrawn* *July* 26 [Bill 11]

STACPOOLE, Mr. W., *Ennis*
Army—Scientific Corps, Motion for a Committee, 410
Ireland—Irish Land Act—Chairman of Irish Counties (Salaries), 1513
  Royal Residence, 1360
Ireland—Galway Election Petition, Res. 1852
Supply—Royal Palaces, 432

STANLEY OF ALDERLEY, Lord
Education (Scotland), Report, *cl.* 66, 1237
India—Kirwee Prize Money, Motion for an Address, 1410
Indian Mutiny—Delhi, Ex-Royal Family of, 1355
Slave Trade (East African Coast), Motion for an Address, 1617

STANLEY, Hon. Captain F. A., *Lancashire, N.*
Army Estimates—Works, Buildings, &c. 1565

STANLEY, Hon. W. O., *Beaumaris*
Army—Militia Regiments, 1127
Supply—Militia Pay and Allowances, 117

STANSFELD, Right Hon. J. (President of the Poor Law Board), *Halifax*
Bastardy Laws Amendment, Comm. *cl.* 5, Amendt. 1120
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Local Taxation—Public Health Bill, 425
Parliament—Private Legislation, Res. 627
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Public Health (Salary), Report, 1068
Water Supply (Metropolis)—Bermondsey, 285

STAPLETON, Mr. J., *Berwick-on-Tweed*
Mines (Coal) Regulation, Consid. *cl.* 8, 1003
Proportional Representation, 2R. 920
Real Estates (Titles), 2R. 228
Scotland—Tweed Fisheries, Res. 1288
Supply—Royal Parks and Gardens, 434
Wild Birds Protection, Consid. *cl.* 2, Amendt. 1297

Statute Law Revision Bill [H.L.]
c. Read 1°* (*Mr. Attorney General*) *July* 11
Read 2°* *July* 19 [Bill 197]
Committee*; Report *July* 25
Considered* *July* 26

Statute Law Revision (No. 2) Bill [H.L.]
(*Lord Chancellor*)
l. Presented; read 1ª* *July* 16 (No. 217)
Read 2ª* *July* 22
Committee*; Report *July* 23
Read 3ª* *July* 25

Statute Law Revision (Ireland) Bill [H.L.]
(*Lord O'Hagan*)
l. Presented; read 1ª* *July* 16 (No. 218)

STEVENSON, Mr. J. C., *South Shields*
Durham Church Leaseholds, 1117
Municipal Corporations (Wards), 3R. 748
Supply—Public Education in Great Britain, 1449
  Surveys of the United Kingdom, &c. 464

STORKS, Right Hon. Major General Sir H. (Surveyor General of Ordnance), *Ripon*
Army—Questions, &c.
Cavalry Remounts, 1116
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Yeomanry and Volunteer Adjutants, 102, 103, 950, 1363
Army—Control Department, Motion for a Commission, 1491
Army Estimates—Control Establishments—Wages, &c. 1550, 1551, 1552
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Supply—Militia Pay and Allowances, 127

STRAIGHT, Mr. D., *Shrewsbury*
Intoxicating Liquor (Licensing), Comm. *cl.* 13, 1703; *cl.* 14, 1898, 1907; *cl.* 15, 1911; *cl.* 19, 1915; *cl.* 24, 1964
Law Officers of the Crown, Res. 70

STRATFORD DE REDCLIFFE, Viscount
Education (Scotland), Comm. Preamble, 1036

Suez Canal—Increase of Tonnage Dues
Question, Observations, Mr. Baillie Cochrane; Reply, Viscount Enfield *June* 24, 101; *July* 1, 428

Summary Jurisdiction Bill [H.L.]
(*Lord Chancellor*)
l. Presented; read 1ª* *July* 8 (No. 200)
Read 2ª* *July* 16
Committee* *July* 18
Report* *July* 22 (No. 237)
Read 3ª* *July* 23
c. Read 1°* (*Mr. Winterbotham*) *July* 25 [Bill 274]

SUPPLY
Considered in Committee *June* 21; Committee—R.P.
Considered in Committee *June* 24, 108—ARMY ESTIMATES—POST OFFICE PACKET SERVICE
Resolutions reported *June* 25, 190
Resolution 2 (£26,400, Martial Law); after short debate, Resolution agreed to
Resolution 7 (£1,134,632, Post Office Packet Service); after short debate, Resolution agreed to
Remaining Resolutions agreed to
Considered in Committee *July* 1, 432—CIVIL SERVICE ESTIMATES—Resolutions reported *July* 4
Considered in Committee *July* 5, 736—CIVIL SERVICE ESTIMATES—REVENUE DEPARTMENTS—POST OFFICE SERVICES—Committee—R.P.; Resolutions reported *July* 8
Considered in Committee *July* 8, 798—CIVIL SERVICE ESTIMATES—REVENUE DEPARTMENTS—Committee—R.P; Resolutions reported *July* 9
After short debate, First Four Resolutions agreed to, 854
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Supply—cont.
Fifth Resolution (Ex-Governor Eyre) read a second time; and, after debate, agreed to
Sixth Resolution agreed to
Seventh Resolution amended, and agreed to; subsequent Resolutions agreed to
Considered in Committee *July* 12; Committee—R.P.
Considered in Committee *July* 15, 1150—NAVY ESTIMATES—Resolutions reported *July* 16
Considered in Committee *July* 19, 1443—CIVIL SERVICE ESTIMATES—Resolution reported *July* 22
Considered in Committee *July* 19; Committee—R.P.
Considered in Committee *July* 22, 1520—ARMY ESTIMATES—Committee—R.P.; Resolutions reported *July* 23

SYNAN, Mr. E. J., *Limerick Co.*
Ireland—Magistrates, Resident (Salaries), 1519
Queen's Colleges, 795
Parliamentary and Municipal Elections, Lords Amendts. 375
Post Office—Glasgow Telegraph Office, 344
Telegraph Clerks, 788, 1130
Railways (Ireland), 2R. 1324

TALBOT, Mr. J. G., *Kent, W.*
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1690; *cl.* 13, 1704; Amendt. 1705; *cl.* 14, Amendt. 1905
Occasional Sermons, 2R. 253
Parliamentary and Municipal Elections, Lords Amendts. 376, 1067
Public Health, Comm. *cl.* 39, Motion for reporting Progress, 1402

TAYLOR, Mr. P. A., *Leicester Bo.*
*Supply—Eyre's, Ex-Governor, Costs, 828, 837

Telegraph Companies—Commutation of Pensions, &c.
Question, Mr. Synan; Answer, Mr. Baxter *July* 15, 1130

Thames Embankment (Land) Bill
(*Mr. Chancellor of the Exchequer, Mr. Baxter*)
c. Report* *June* 26 [Bills 82-214]
Order for Committee (*on re-comm.*) read; Moved, "That Mr. Speaker do now leave the Chair" *July* 22, 1579
Amendt. to leave out from "That," and add "having regard to the advanced period of the Session and the pressure of more important public business in which the House is already engaged, it is not expedient to proceed further with the consideration of this Bill" (*Mr. Vernon Harcourt*) *v.*; Question proposed, "That the words, &c.;" after short debate, Question put; A. 133, N. 154; M. 21; words added; main Question, as amended, put, and negatived

TIPPING, Mr. W., *Stockport*
Capital Punishment Abolition, 2R. 1734

TITE, Sir W., *Bath*
Supply—Houses of Parliament, 443

TORRENS, Mr. R. R., *Cambridge Bo.*
Army—Medical Regulations, 797
Cambridge University—University Tests Act, 638
Fiji Islands, Motion for an Address, 202
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TORRENS, Mr. W. M., *Finsbury*
Intoxicating Liquor (Licensing), Comm. *cl.* 12, 1691, 1699
Parliament—Public Business, Res. 1420
Public Health, Comm. Amendt. 1075, 1082

TRACY, Hon. C. R. D. HANBURY- *Montgomery, &c.*
Army—Employment of Soldiers, 1359

Tramways (Ireland) Provisional Order Confirmation Bill (*Earl Cowper*)
l. Read 2ª* *June* 21 (No. 147)
Committee*; Report *June* 24
Read 3ª* *June* 25
Royal Assent *June* 27 [35 & 36 *Vict.* c. lxvii]

Tramways (Metropolis) — Provisional Orders and Bills
Question, Mr. Locke; Answer, Mr. A. Peel *June* 24, 102

Tramways (Metropolis) Bills Suspension
Resolutions (*Mr. Arthur Peel*) *July* 3, 582

Tramways Provisional Orders Confirmation (No. 3) Bill (*Earl Cowper*)
l. Read 2ª* *June* 21 (No. 145)
Committee* *July* 22 (No. 236)
Report* *July* 23
Read 3ª* *July* 25

Tramways Provisional Orders Confirmation (No. 4) Bill (*Earl Cowper*)
l. Read 2ª* *June* 21 (No. 146)
Committee* *July* 18
Report* *July* 19
Read 3ª* *July* 22

Treaty of Washington Bill—Canada—Guaranteed Loan
Question, Sir Charles W. Dilke; Answer, Mr. Gladstone *July* 22, 1514

Treaty of Washington Bill [H.L.] (*Earl of Kimberley*)
l. Presented; read 1ª* *July* 5 (No. 191)
Bill read 2ª, after short debate *July* 11, 942
Committee*; Report *July* 15
Read 3ª* *July* 16
c. Read 1º* (*Mr. Knatchbull-Hugessen*) *July* 19
Read 2º* *July* 22 [Bill 260]
Committee*; Report *July* 25
Read 3º* *July* 26
l. Royal Assent *August* 6 [35 & 36 *Vict.* c. 45]

Treaty of Washington—Tribunal of Arbitration (Geneva) — The Indirect Claims—Proceedings before the Arbitrators
LORDS—
Observations, Earl Granville; short debate thereon *June* 27, 260
The British Counter Case, Observations, Lord Redesdale; Reply, Earl Granville *July* 23, 1605; Explanation, Lord Redesdale *July* 25, 1746

COMMONS—
Proceedings before the Arbitrators, Observations, Mr. Gladstone *June* 27, 293
Moved, "That this House do now adjourn" (*Mr. Percy Wyndham*); after short debate, Motion withdrawn

TRELAWNY, Sir J. G. S., *Cornwall, E.*
Supply—Royal Parks and Gardens, 433

TRENCH, Hon. Captain W. Le Poer, *Galway*
Army Estimates—Works, Buildings, &c. 1559
Supply—Natural History Museum, 744

TREVELYAN, Mr. G. O., *Hawick, &c.*
Education (Scotland), Consid. *cl.* 68, 176
Scotland—Tweed Fisheries, Res. 1280, 1288

Tribunals of Commerce Bill (*Mr. Whitwell, Lord Frederick Cavendish, Mr. Norwood, Mr. Monk*)
c. Ordered; read 1º* *June* 21 [Bill 206]
Bill withdrawn* *July* 24

Trusts of Benefices and Churches Bill [H.L.] (*Bishop of Carlisle*)
l. Committee* *June* 21 (No. 151)
Order of the Day for receiving the Report of the Amendt. read
Moved, That the Report of the Amendt. be now received *July* 1, 414
Amendt. to leave out ("now") and insert ("this day three months") (*Lord Portman*); after short debate, Amendt. withdrawn; Original Motion agreed to; Report received
Bill withdrawn, after short debate *July* 4, 623

Turkey—Treaty Arrangements with
Question, Mr. M'Lagan; Answer, Viscount Enfield *July* 15, 1146

Turnpike Acts Continuance, &c. Bill (*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1º* *July* 11 [Bill 245]
Read 2º* *July* 22

Turnpike Trusts Arrangements Bill (*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1º* *July* 16 [Bill 256]
Read 2º* *July* 26

Tweed Fisheries
Moved, "That, in the opinion of this House, some of the provisions of the Fishery Acts now in force on the Tweed and its tributaries are oppressive in their operation, and tend by their severity to render the Acts distasteful to the general public opinion of the neighbourhood" (*Mr. Trevelyan*) *July* 16, 1280; after short debate, Motion withdrawn

Union of Benefices Act Amendment Bill
(*Bishop of London*)
l. Committee * *June* 21 (No. 140)
Report * *June* 27 (No. 167)
Read 3ª * *June* 28
c. Read 1° * *July* 5 [Bill 229]

University Tests Act — Cambridge University
Question, Mr. R. Torrens; Answer, Mr. Gladstone *July* 4, 638

Vaccination Acts Amendment Bill
(*Mr. Pease, Mr. Leeman, Sir Thomas Chambers*)
c. Moved, "That the Bill be now read 2°" *July* 10, 926
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Monk*); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned
Bill withdrawn * *July* 11

VANCE, Mr. J., *Armagh City*
Ireland—Walsh, Rev. Patrick, Case of, 1148, 1757
Parliament—Public Business, 1144

VERNER, Mr. E. W., *Lisburn*
Ireland—Armagh, Proclamation of, 1757

VERNEY, Sir H., *Buckingham Bo.*
Army—Staff Officers, Res. 412
Fiji Islands, Motion for an Address, 218
Supply—Militia Pay and Allowances, 115

Victoria Park Bill
(*Mr. Ayrton, Mr. William Henry Gladstone*)
c. Bill read 2°, and committed to a Select Committee *June* 27, 335 [Bill 201]
Bill reported * *July* 8
Committee * (*on re-comm*); Report *July* 15
Read 3° * *July* 16 [Bill 232]
l. Read 1ª * (*Duke of Saint Albans*) *July* 16
Read 2ª * *July* 23 (No. 227)

VIVIAN, Mr. H. Hussey, *Glamorganshire*
Mines (Coal) Regulation, Comm. *cl.* 4, 32; *cl.* 7, Amendt. 41, 44, 45; *cl.* 14, 184; *cl.* 16, Amendt. 306; *cl.* 24, 317; *cl.* 25, 327; *cl.* 48, 515, 647, 651, 661; *cl.* 58, Amendt. 663, 664; *cl.* 68, 666; *add. cl.* 712; Preamble, 716; Consid. *add. cl.* 877; Amendt. 878; Amendt. 883; Amendt. 884

WALPOLE, Right Hon. Spencer H., *Cambridge University*
Army Estimates—Works, Buildings, &c. 1569
Fiji Islands, Motion for an Address, 218
Judicial Organization—Report of Committee, Res. 1948
Parliamentary and Municipal Elections, Lords Amendts. 478

War Office (Pensions) Bill
(*Mr. Campbell, Mr. Secretary Cardwell*)
c. Ordered; read 1° * *July* 15 [Bill 252]
Read 2° * *July* 26

WATNEY, Mr. J., *Surrey, E.*
Intoxicating Liquor (Licensing), Comm. *cl.* 5, Amendt. 1675; *cl.* 9, Amendt. 1682; *cl.* 13, Amendt. 1701; *cl.* 14, 1893, 1898, 1900; *cl.* 18, Amendt. 1912; *cl.* 19, 1913; *cl.* 22, Amendt. 1918

WAYS AND MEANS
MISCELLANEOUS QUESTIONS
Income Tax Collection (*Public Departments*), Question, Mr. Sclater-Booth; Answer, The Chancellor of the Exchequer *July* 25, 1754
Inhabited House Duty, Question, Mr. W. H. Smith; Answer, The Chancellor of the Exchequer *July* 4, 631
Inland Revenue—Carriage Duty, Question, Mr. F. Monckton; Answer, The Chancellor of the Exchequer *July* 8, 790
Legacy and Succession Duty Department (*Salaries*), Question, Mr. Serjeant Simon; Answer, The Chancellor of the Exchequer *July* 15, 1147
Railways—Third Class Passengers, Question, Mr. Leeman; Answer, The Chancellor of the Exchequer *July* 18, 1369

WEDDERBURN, Sir D., *Ayrshire, S.*
Education (Scotland), Consid. *cl.* 69, 179
Metalliferous Mines Regulation, Comm. *cl.* 23, 873
Mines (Coal) Regulation, Comm. *cl.* 19, Amendt. 315; *cl.* 48, 642; Amendt. 644; Consid. Amendt. 1010
Rocket Apparatus, 167
Shetland Truck Commission Report, 1413

WEGUELIN, Mr. S. M., *Wolverhampton*
Parliament—Private Legislation, Res. 629

WELBY, Mr. W. E., *Lincolnshire, S.*
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